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The  
Emma  
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Papers

*A Microfilm Edition*

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**Reel 57**

**Government Documents**

**January 1, 1917 to August 31, 1917**

Edited by

Candace Falk

Ronald J. Zboray

and

Daniel Cornford

Government Documents Editor:

Alice Hall

**CHADWYCK-HEALEY INC.**

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# The Emma Goldman Papers Project

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- [Letter] 1917 Aug. 22, San Francisco [to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W.I. Madeira, Acting Inspector in Charge, Post Office Department.
- [Letter] 1917 Aug. 22, San Francisco [to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W.I. Madeira, Acting Inspector in Charge, Post Office Department.
- Emma Goldman [v.] New York Produce Exchange Bank: [Answer] 1917 Aug. 22 / Reeves & Todd.
- [Letter] 1917 Aug. 23, San Francisco [to] E.M. Blanford, Special Agent in Charge [Bureau of Investigation, Department of Justice], Los Angeles / Don S. Rathbun, Special Agent in Charge [Bureau of Investigation, Department of Justice].

- [Letter] 1917 Aug. 23 [New York to] James D. Maher, Clerk, United States Supreme Court, Washington, D.C. / [Harry Weinberger].
- [Letter] 1917 Aug. 24 [Washington, D.C. to W.B. Carlile] Postmaster [Post Office Department], Chicago / J.J. Southerland, Acting Solicitor [Post Office Department].
- [Letter] 1917 Aug. 24 [New York to] William McAdoo, Secretary of the Treasury [Treasury Department], Washington, D.C. / [Harry Weinberger].
- Emma Goldman [v.] New York Produce Exchange Bank: Answer, 1917 Aug. 24 [cover page] / Reeves & Todd.
- [Agent Report] In re: Emma Goldman Meeting, East End Hall, North Clark St., Friday Night..., Chicago, 1917 Aug. 25 / Cha[rle]s Daniel Frey [Agent, Bureau of Investigation, Department of Justice].
- [Agent Report] In re: The Peoples Council of America, Los Angeles [19]17 Aug. 25 / E. Kosterlitzky [Agent, Bureau of Investigation, Department of Justice].
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- [Agent Report] In re: Emma Goldman Meeting – Held at West Side Auditorium, Racine & Taylor Sts., Chicago, 1917 Aug. 27 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice].
- [Letter] 1917 Aug. 27 [to] W[illia]m [M.] Offley, Division Superintendent [Bureau of Investigation, Department of Justice], New York / James G. Findley, Special Agent in Charge [Bureau of Investigation, Department of Justice].
- [Agent Report] In re: No-Conscription League – Held at Douglas Park Auditorium, Chicago, 1917 Aug. 28 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice].
- [Telegram] 1917 Aug. 28, Chicago [to J. Herbert] Cole [Agent? Bureau of Investigation, Department of Justice], Detroit, Mich. / [Hinton G.] Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice].
- [Letter] 1917 Aug. 29, New York [to] R[alph] H. Van Deman [Chief, Military Intelligence Division, War Department], Washington, D.C. / Nicholas Biddle [Military Intelligence Division, War Department].
- [Agent Report] In re: Peoples' Council of America, Seattle, Wash., 1917 Aug. 30 / Wright [Agent, Bureau of Investigation, Department of Justice].
- [Letter] 1917 Aug. 31, New York [to Thomas G. Patten] Postmaster [Post Office Department], New York / Ben Reitman.
- [Letter] 1917 Aug. 31 [Washington, D.C. to] R[alph] H. Van Deman [Chief, Military Intelligence Division] War Department, [Washington, D.C.] / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice].

## **Introduction to Reels 57 through 60 (January 1, 1917 to January 31, 1918)**

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After the United States entered World War I in April 1917, Congress enacted a wide range of legislation restricting the right to criticize the government. The federal enforcement apparatus grew accordingly. The Bureau of Investigation, now the Federal Bureau of Investigation, the intelligence arms of the Army and Navy, and the Post Office censorship offices expanded from small offices to national networks. In addition, the Department of Justice deputized a small army of self-appointed loyalty enforcers called the American Protective League. Goldman's leading role opposing the war and organizing the No Conscription League in the spring of 1917 put her on a collision course with the federal government.

Goldman and the No Conscription League organized a series of mass protest meetings: the first on May 18, the day Congress passed the Draft Act; the second on the eve of Draft Registration Day, June 4, and another on June 14. Unable to tolerate any more dissent, the government on June 15 arrested Goldman and Berkman in the offices of *Mother Earth* and *The Blast* and impounded letters, mailing lists, financial records, and masses of other material.

Charged with conspiracy to violate the Draft Act, Goldman and Berkman conducted their own defense. At the trial, held in the United States District Court for the Southern District of New York from June 27 to July 9, they called many prominent radicals to testify, including John Reed and Lincoln Steffens. They turned the trial into a platform to lecture on anti-militarism and free speech. The jury found them guilty and Judge Julius M. Mayer sentenced them to the maximum penalty of two years in prison and a fine of ten thousand dollars each.



Later wartime prosecutions of dissenters, including those of Eugene Debs, Kate Richards O'Hare, Mollie Steimer, Jacob Abrams, and the entire I.W.W. leadership, were brought under the repressive Espionage Act of June 15, 1917, and the harsh Sedition Act of May 7, 1918, rather than the more lenient Draft Act. The Sedition Act made it a crime to "willfully utter, print, write, or publish any disloyal, profane, scurrilous, or abusive language" about the United States' form of government, Constitution, military forces, or flag. Violators could and often did receive sentences of up to twenty years in prison.

After the trial, the government took Goldman and Berkman directly to prison, where they remained for two weeks. During this time their attorney, Harry Weinberger, filed for an appeal with the Supreme Court. The court agreed to hear the appeal and to let them out on bail pending their final decision. Berkman, who faced an indictment in San Francisco for complicity in the Preparedness Day bombing for which Tom Mooney and Warren Billings had already been convicted, decided not to post bail. He was transferred to the Tombs jail in New York City, where he thought he would be safer from extradition and possible kidnapping.

Weinberger based his appeal on the unconstitutionality of the draft. He argued that the Draft Act violated the Thirteenth Amendment's prohibition against involuntary servitude and the First Amendment's free speech protections. He also contended that the prosecution did not prove any conspiracy. On December 13 and 14, the Supreme Court heard oral arguments in ten cases that raised the question of the constitutionality of the draft. On January 7, in an opinion in six of the combined cases, titled the Selective Draft Law Cases, they declared the Draft Act constitutional. One week later they denied Goldman and Berkman's appeal. Weinberger immediately requested a rehearing, which the court denied on January 28. Goldman and Berkman began serving their prison terms on February 2, 1918.

While Weinberger pursued the Supreme Court appeal, Goldman concentrated on preventing Berkman's extradition to San Francisco and supporting the anti-war effort. The United States Marshal in New York, Thomas McCarthy, prevented Goldman from delivering speeches on several occasions. Weinberger's intensive lobbying forced Attorney General Gregory to direct McCarthy not to interfere with her speeches in advance.

In January, after Governor Whitman of New York had refused to extradite Berkman without more evidence and Weinberger had assured Goldman that she would not have to begin serving her prison term right away, she went on a speaking tour to Detroit and Chicago. She spoke against the war, raised money for her appeal, and lectured on the promise of the Bolshevik Revolution.

The Government Documents for this period fall into roughly three categories: 1. legal documents related to the trial and appeal; 2. surveillance and investigative reports; and 3. postal censorship records.

#### 1. Legal Documents.

The trial records include the grand jury indictment, on June 21, and two transcripts of the trial. The first, an 824 page stenographer's transcript, is a verbatim record of the entire trial except for jury selection and closing arguments. This document, plus the closing arguments of prosecuting attorney Harold Content and Judge Mayer's jury instructions, make up all of Reel 58. In order to avoid splitting this document between two reels, it is filmed out of chronological sequence, between August and September 1917.

The second transcript, 277 pages long, is the printed record of the trial, prepared by Weinberger and Content for the Supreme Court appeal. Unlike the longer transcript, this record includes transcriptions of the exhibits submitted at trial and Weinberger's petition for Supreme Court review. It is dated September 25, 1917, the date it was submitted to the Supreme Court. Of the two documents, the first is more complete, because it includes

passages — usually arguments over the admissibility of evidence — deleted from the printed version. Neither transcript includes the closing arguments of Goldman and Berkman. Their speeches are printed in the pamphlet, “Trial and Speeches of Alexander Berkman and Emma Goldman”, dated July 1917.

The records of the Supreme Court appeal include the July 17 request for an appeal, Weinberger’s brief on November 30, the government’s reply brief which responds to all the draft cases on December 10, Weinberger’s request to file a supplemental brief, and the brief itself, dated January 3, the court’s opinion on January 14, and Weinberger’s motion for a rehearing. Throughout the appeal, Weinberger maintained a correspondence with Supreme Court Clerk James Maher and Solicitor General John Davis.

## 2. Surveillance Reports.

Goldman and Berkman were two of the first targets of the rapidly-expanding federal surveillance network. Agent reports from the Bureau of Investigation begin in May 1917. They describe the No Conscription League’s mass meetings in May and June, Goldman’s arrest and the raid on her office, the trial, and Goldman’s speeches while she was out on bail. The accounts of her farewell tour to Detroit and Chicago in January are particularly detailed. They include elaborate descriptions of her speeches, audiences, her hosts, travel plans, telephone calls, mail, and efforts to follow her back to New York.

Reports from undercover agents working for Military and Naval Intelligence begin in the fall of 1917. Agent C, a Naval Intelligence contact who had worked undercover with the I.W.W. and anarchists for years, submitted particularly inflammatory accounts of the activities of Goldman, Roger Baldwin, and the I.W.W. This agent authored reports that Goldman was masterminding a plot using “Committees of Five” in various cities to assassinate the President and other public officials simultaneously. This

scheme, named the Guillotine Plot, occupied all investigative branches of the government from the end of November through January 1918.

### 3. Postal Censorship Records.

The Espionage Act, passed on June 15, 1917, declared nonmailable all written material advocating treason, insurrection, or forcible resistance to the law. Under this law the Post Office held up and ultimately destroyed all copies it could find of *Mother Earth* from May 1917 — one month before the law was enacted — until Goldman stopped publication in August 1917. The Post Office also censored *Mother Earth's* replacement, the *Mother Earth Bulletin*, throughout its publication span from October 1917 to April 1918.

16X



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10

## The Emma Goldman Papers

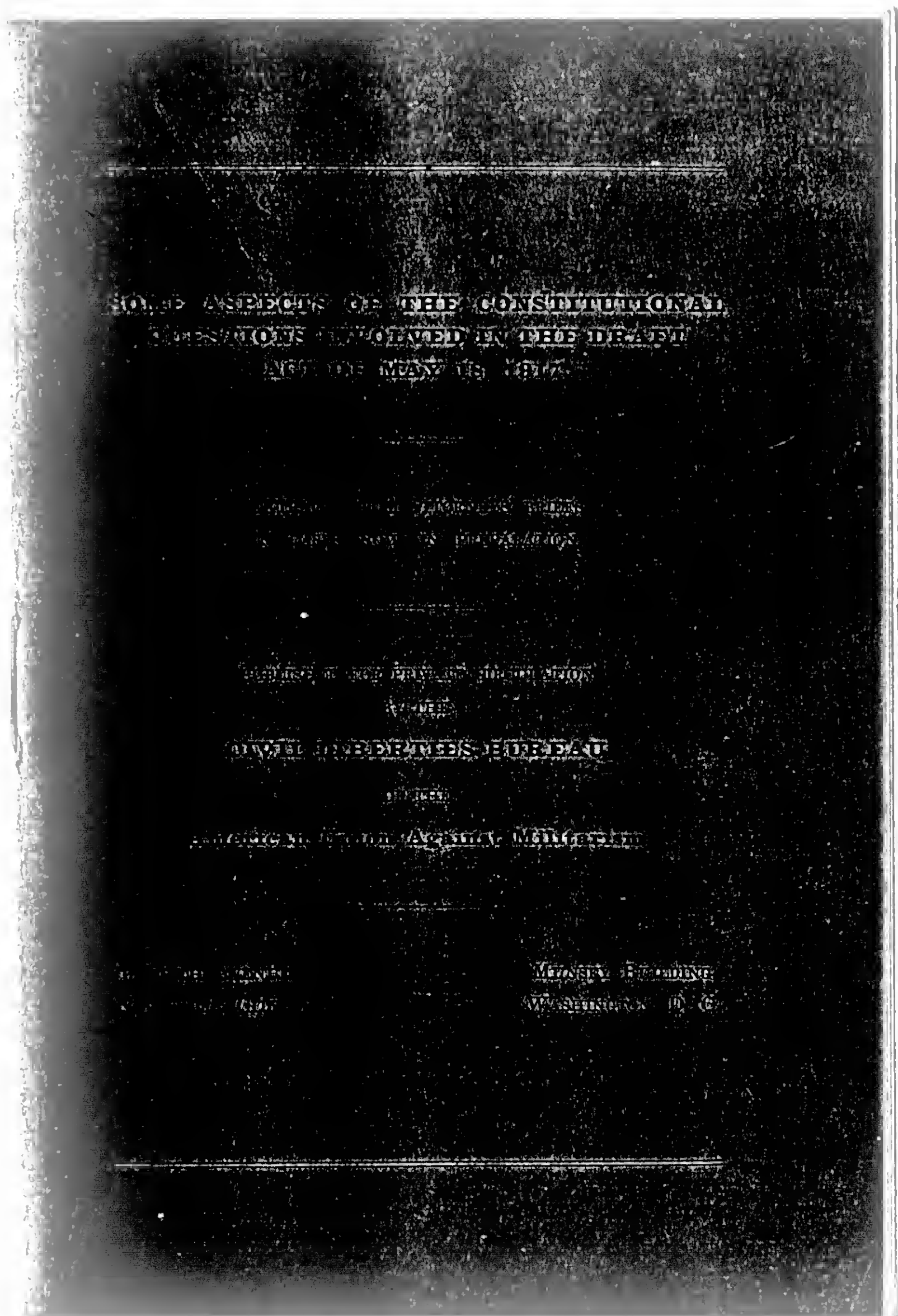
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Some Aspects of the Constitutional Questions Involved in the Draft Act...[excerpt] / [author unknown]. — New York and Washington, D.C. : Civil Liberties Bureau of the American Union Against Militarism [1917]. — 20 p. ; 28 × 22 cm.

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**Summary:** The Civil Liberties Bureau compiles extracts from the legal briefs challenging the constitutionality of the Selective Draft Act.

**Notes:** Dark copy of title page. Twenty shots of thirty-seven pages.



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## SOME ASPECTS OF THE CONSTITUTIONAL QUESTIONS INVOLVED IN THE DRAFT ACT OF MAY 18, 1917.

Any consideration of the constitutionality of the Draft Law involves two questions:

FIRST: Under the Constitution of the United States, can an army be lawfully raised by draft to be sent overseas to engage in an offensive war in foreign lands?

SECOND: If the above question can be answered in the affirmative, then has the present Draft Law been so framed as not to violate any provisions of the Constitution?

A demonstration that Congress has power under the Constitution to pass a Draft Law is by no means proof that the present Draft Law is valid. But if Congress has no such power, then, of course, the present Draft Law must fall. Two questions must always be answered in considering the constitutionality of an act of Congress. One is: has Congress the constitutional *power* to pass the law in question; and the other is: has the power, if it exists, been exercised in a constitutional *manner*? We now proceed to consider both these questions.

### I.

**Congress has not the constitutional power to raise an army by draft to send overseas to engage in offensive war in foreign lands.**

Counsel is aware that the present Draft Law does not in terms provide that the men impressed into military service under it are to be sent to Europe to

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engage in an offensive war against one or more European powers. But it is common knowledge that it is the intention to use the army raised under the Draft Law for the above purpose. The Court must take judicial notice of the President's proclamations and the Congressional debates which show that the army raised by draft under this law is to be sent to fight in Europe. The Draft Act itself (approved May 18, 1917), entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," provides that a man so drafted shall serve "for the period of the existing emergency, unless sooner discharged" (paragraph 2, Sec. 1; also Secs. 6, 8 and 9). By subsequent act, dated June , 1917, the Draft Act was amended so as to provide:

"That the service of all persons selected by draft \* \* \* shall be for the period of the war, unless sooner terminated by discharge or otherwise. Whenever said war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and within four months after the date of said proclamation, or as soon thereafter as it may be practicable to transport the forces then serving without the United States to their home station, the provisions of said act, insofar as they authorize compulsory service by selective draft or otherwise, shall cease to be of force and effect."

This amendment puts it beyond doubt that the service of the drafted men is intended to be without the United States, and that it is intended to continue, not merely during the period of the war with Germany which has been declared, but until peace is declared between the United States and

3

its enemies in the present war. That is to say, if we become embroiled in war with Germany's present allies, or any other nation now neutral, but which may take sides with Germany, the drafted men must continue in service under this act without the United States until peace is made with all its enemies. This being the clear purpose of the act, We return to the question whether Congress, under the Constitution, has the power to enact such a law.

### (1) The Historical Argument:

While the historical argument cannot be conclusive or controlling upon the language of the Constitution, it nevertheless has a place of some importance in this discussion, since it throws some light upon the intention of the framers of the Constitution. In order to understand the historical argument, or for that matter any other, upon this question of constitutional interpretation, it is necessary to understand just what the power is, existence of which in the Congress is asserted by the present law.

This law proposes to take a million men against their will, if necessary, transport them to the other side of the world and retain them there in war against certain of the peoples on the continent of Europe for a wholly indefinite and uncertain period of time. Now, if that can be done with a million men it can be done with ten million. It can be done with the entire male population of the country capable of bearing arms. It is no answer to the constitutional argument to say that such a thing probably would not be done. The question is whether the men who framed the Constitution and who had but recently thrown off the tyranny of Great Britain, men who were jealous of the rights



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of their respective states, the union of which made up the United States, ever intended to confer such power upon the Federal Government.

The tyranny of any draft law lies in this: it deprives the people of all control of the most fundamental and important power that any government can exercise, to wit, the power of peace and war. The Federal Constitution provides that Congress may declare war. So long as the army to fight the war which Congress declared must be raised by voluntary enlistment, so long the people have some control over the question of war and peace. If the people are free to refuse to fight the war which the Administration at a particular time may precipitate, then the Administration must find some other road to peace and extricate itself as best it can from the situation created by it. The existence of the power on the part of the people to refuse to fill up the ranks of the army to fight a war in which they do not believe is the only effective check possible upon an administration which, it may be, came into power upon issues in no way involving the question of war. A people who have not that power may become subjects of a military despotism, no matter by what name it may be called. That is the reason why the people of Australia, Ireland and other British colonies refused to be conscripted.

It would be strange indeed if the framers of our Constitution, jealous both of individual rights and of the rights of the states, should have intended to confer upon the Federal Government a power to which no free people of that time submitted and to which no free people since that time have given their assent. England needed troops badly in her Napoleonic wars as well as in her wars before and since; but she never sought, until the present time,

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to raise her armies by draft for foreign service, and has only used it now, as we did in the Civil War, as a last resort. Badly as she needed troops to subdue her colonies in this country in the Revolutionary War she did not risk the draft. She hired Hessians and Indians to make war upon the colonies, because she did not dare or at least did not think it wise to resort to the draft.

The only time that the draft was ever resorted to in this country was for a short time in the Civil War, under circumstances which will be referred to a little later, but the draft of that time furnishes no argument for the existence of the very different power which the Federal Government assumes to exercise in the present Draft Law. In the War of 1812 it is well known that American troops refused to cross into Canada because they denied the right of the Government to take them out of their own country against their will. The members of the National Guard in the late Mexican trouble who refused to go voluntarily were not forced even to cross the line into Mexican territory. The War of 1812, the Mexican War and the Spanish War were all fought with volunteers. Certainly some weight must be attached to the historical interpretation which the Government has given to the Federal Constitution on this subject for nearly a century and a half, as well as the probable intention of the framers of the Constitution to be gathered from the purposes they had in mind in framing that document.

If the "selective draft" is constitutional and, as is now claimed, the fairest way of distributing the burden of military service, it is strange that it was not resorted to before. It must be borne in mind that the draft of the Civil War, resorted to for a

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short time and with disastrous consequences, was not at all like the "selective draft" of the present time, so far as the question of constitutionality is concerned.

In order to understand our literature upon the subject, as well as the provisions of the Constitution, it is necessary to know what the English system was at the time our Constitution was adopted and what it had been for some time previous. It was in the light of that system that the Constitution was written and that the writings of Washington, Jefferson, Madison and others upon the subject must be understood. At the time of the adoption of our Constitution and for centuries before and for more than 100 years after it the military forces of Great Britain were as follows: (1) the militia; (2) the militia embodied or converted into the regular army, which could be done in case of imminent national danger or of great emergency; (3) the volunteer army. The volunteer army was the force solely depended upon for service outside the realm. The militia was the local force for use in the county where organized, except when in case of national danger it was "embodied" into the regular army. That men could be drafted or forced into the army for service outside the realm was an unthinkable proposition to the people of the American colonies, as it was to Great Britain at the time our Constitution was adopted. It has been the failure to grasp this fundamental fact, in the light of which the Constitution must be interpreted, that has caused expressions appearing in the writings of Washington, Jefferson, Madison and others to be misinterpreted as arguments in support of the draft for general military purposes. Stephen in his "Commentaries on the Laws of England," 15th Ed., Vol. 2, Chapter 8, gives a history of the military

establishments of England from the earliest days. At page 646, Vol. 2, Mr. Stephen sums up the matter thus:

3C2  
"The militia, in whatever county raised, were liable to serve in any part of the United Kingdom, *but not abroad*, except in the case of men specially volunteered for the purpose. During nearly the last hundred years of its existence the militia was raised by voluntary enlistment, and the compulsory levy by way of ballot remained suspended, at first under annual Acts and afterwards under the militia (ballot suspension) Act, 1865. What has been said above relates to the force known as the general or regular militia, but there are still on the statute books statutes which provide for the raising of what is known as the local militia, a force raised by ballot in each county and not liable to serve outside the county where raised."

It will be remembered that in 1907 Great Britain, not being bound as we are by a written Constitution, completely changed her military system. But that is not material to our present purpose except to say that even the regular Territorial Force provided for by the Act of 1907, while it was liable to serve anywhere in the United Kingdom, was not liable to serve outside the United Kingdom, except as men specially volunteered for that service. A valuable handbook on this subject has been prepared since the war began by Joseph A. Rice, barrister, entitled "If Conscription Comes." In Chapter 2, dealing with the militia, he says:

3C2  
"The ancient English militia system was reorganized under an Act passed in 1757 which placed upon the county or parish a liability to provide recruits. Each county was required to furnish a quota. The men were to be drawn by lot and to serve for three

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years, and vacancies were to be filled from time to time by like process of ballot (or lot). The ages of liability were 18 to 45, and a man drawn by lot who for any reason was unwilling or unable to serve was allowed to provide a substitute. Generally speaking, the ballot system thus legalized was that which remained in force while the militia continued to exist. From time to time amendments were introduced and the various militia Acts were consolidated in 1802 by 42 George III, Chapter 9, which Act as subsequently amended is still in force, though suspended as regards the ballot. Under the Militia Act of 1852 the militia became a force of voluntarily enlisted men *with the ballot in reserve*, as the Act of that year empowered the Crown to resort to the ballot in case the quota of any county was not raised by voluntary enlistment, and also in case of invasion or imminent danger. In 1871 Parliament introduced an important Constitutional change by enacting that henceforth the control of the militia should rest in the Crown instead of the lieutenant of the county. In 1881 the militia became part of the regular force of the crown, with limitations as to the time and area of service and certain other special conditions."

Again he says:

"Embodiment converted the militia into a regular army, with the limitation that it was an army that *could not be called upon to serve abroad*. Embodiment could take place only in case of 'imminent national danger or of great emergency.' And the occasion must first have been communicated to Parliament if sitting, and if not sitting proclaimed by Order of Council."

Further he says:

"During the latter part of the 18th century and especially during the Napoleonic cam-

9.

paings resort was frequently had to the ballot (or forced draft) for purpose of recruiting for the militia. The 'embodiment' of the militia released a considerable proportion of the regular army *for foreign service* who would otherwise have been required for home defense and also supplied recruits for the first line."

This author sums up the matter thus:

*"Impressment in England was finally abolished in 1640, and since the date of the Restoration compulsory service in the regular army has been practically unknown, except under the operation of Acts passed at different times authorizing impressment of persons of the vagrant class not having a lawful employment. The standing army, as is the case at present, has all along with this exception been recruited by voluntary enlistment."*

The vagrancy statute referred to above is 19 George III, Chapter 10, which permitted the impressment of "idle and disorderly persons not following any lawful trade or having some substance sufficient for their subsistence." And this was the only kind of draft into the regular British army known at the time of the adoption of our Constitution or which had been known for generations previously.

3C2 The English idea of the militia is and always has been that it is a body primarily for home defense. It stood somewhere between a police force and the regular army and was expected to preserve the peace and protect the community when the police were not able to do so. All persons capable of bearing arms in protection of the community were subject to draft into this militia and it did not matter whether they were citizens or not. The mere fact

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of their living in the community and accepting its benefits made them subject to draft into the organized militia if necessary. This force in cases of great national danger and, with us, in the specific cases provided for in our Constitution, in turn became subject to be called or embodied in the national forces for the protection of the realm, *but never to be sent outside the realm*. Wherever the draft is referred to in any of the writings of the founders of this government it is merely the draft or embodiment of the militia into the regular army for service within the country. For instance, President Jefferson in his annual message December 3, 1805, said:

"In the meantime you will consider whether it would not be expedient for a state of peace as well as of war so to organize or *class the militia* as would enable us on any sudden emergency to call for the services of the younger portions unencumbered with the old and those having families."

Writing in explanation of this portion of his message February 26, 1810, to General Kosciusko, Jefferson, referring to his plan to class the militia, said:

"This would have given us a force of 300,000 young men prepared by proper training for service in *any part of the United States*, while those who would pass through that period would remain at home liable to be used in their own or adjacent States."

Mr. Jefferson writing to John Adams during the Revolution, on May 16, 1777, said:

"Our (Virginia) battalions for the Continental service were some time ago so far filled as to render the recommendation of a draft from the militia hardly requisite,

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and the more so as in this country it was ever the most unpopular and impracticable thing that could be attempted. Our people, even under the monarchical government, had learned to consider it as the last of all oppressions."

It will be seen that Jefferson here recognizes the English system and the right of the government to draft or embody its militia in the regular army for service within the country in case of great national emergency. But even that, he says, the people regarded as the last of all oppressions. Is it likely that such a people adopted a Constitution which intended to give to the government the power to draft every able-bodied man in the realm into an army to be sent thousands of miles over the sea and wage a war until the government decided to recall them? That is the legal proposition embodied in the present selective draft law. Writing to James Monroe, October 16, 1814, Jefferson said:

"The objects of our contest being thus entirely changed by England we must prepare for interminable war. To this end we should put our house in order by providing men and money to indefinite extent. The former may be done by classing the militia and assigning each class to the description of duties for which it is fit. It is nonsense to talk of regulars. They are not to be had among a people so cozy and happy at home as ours. We might as well rely on calling down an army of angels from heaven."

If Jefferson had supposed that the power to draft for the regular army was given by the Constitution he could never have used that language, for by the exercise of the power of the draft the regular army might at once have been filled to the desired amount.



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The fact that no one at the time the Constitution was framed, adopted and submitted to the people, suspected that it would ever be claimed that the power to draft men for military service abroad was contained in it, accounts for the complete absence, in Madison's Journal of the Convention and in "The Federalist," of any discussion of the subject. Not only this; but the writings of Hamilton and Madison in "The Federalist" clearly show that they had no thought that the Constitution conferred such power. For instance, in "The Federalist," No. XXVI, Hamilton said:

"Schemes to subvert the liberties of a great community require time for their execution. An army so large as to seriously menace those liberties could only be formed by progressive augmentations."

If the unlimited power to impress or draft into the army every man capable of bearing arms at any time the government saw fit to do so existed in the Constitution, Hamilton's statement was meaningless. His language shows that he clearly thought of the army being increased by the slow process of volunteering.

Madison in "The Federalist," No. XLVI, writing on the same subject, and to assure the people that dangerous military power had not been confided to the general government by the Constitution, said:

"The only refuge left for those who prophesy the downfall of the State governments is the visionary supposition that the federal government may accumulate a military force for the projects of ambition. The reasoning contained in these papers must have been employed to little purpose indeed if it could be necessary now to disprove the reality of

this danger. That the people of the States should for a sufficient period of time elect an uninterrupted succession of men ready to betray them; that traitors should throughout this period uniformly and systematically pursue some fixed plan for the extension of the military establishment; that the governments and the people of the States should silently and patiently behold the gathering storm and continue to supply the materials until it should be prepared to burst on their own heads, must appear to everyone more like the incoherent dreams of a delirious jealousy or misdirected exaggerations of counterfeit zeal than like the sober apprehensions of genuine patriotism."

But, Mr. Madison says, let the supposition be made that all the above might happen. Here is the answer he makes to it:

"The highest number to which, according to the best computation, a standing army can be carried in any country does not exceed 1/100th part of the whole number of souls, or 1/25th part of the number able to bear arms. This proportion would not yield in the United States an army of more than 25,000 or 30,000 men. To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves."

And Mr. Madison adds:

"It may well be doubtful whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops."

Mr. Madison thus clearly did not believe that the Constitution contained the power to draft all able-bodied men for foreign service. It is not necessary

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to elect an "uninterrupted succession of men" in order to raise an army of a million men by draft. One administration is quite sufficient under the draft system to put every able-bodied man under arms as a soldier and in a foreign country as part of an army of occupation. Nor could Mr. Madison have possibly written that our standing army would probably never exceed 1/25th part of the men capable of bearing arms, if he had supposed that all the men capable of bearing arms could be put into the army under the draft system by one single piece of legislation. Neither could Mr. Madison have referred to a militia with arms in their hands, always outnumbering the regular army by 25 to 1, if he had suspected that the militia could be entirely eliminated by the simple device of drafting them into the regular army and sending them abroad.

If the power to draft was contained in the Constitution, any child could have completely answered the arguments of Madison and Hamilton by merely calling attention to the existence of that power. But no one asserted the existence of such a power. Consequently no one attacked it. This shows that it was the consensus of opinion, both by those who favored the adoption of the Constitution and those who opposed it, that no such power existed.

## (2) *The Language of the Constitution.*

For convenience of reference, we here submit those provisions of the Constitution which are involved in the present discussion. Section 8, Article 1 of the Constitution provides:

"Congress shall have power to raise and support armies; but no appropriation of moneys to that use shall be for a longer term than two years; to provide and maintain a

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navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections, and repel invasions; to provide for organizing, arming and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

\* \* \*

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

The Second Amendment to the Constitution provides:

"A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Section 2 of Article 2 provides:

"The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several States when called into the actual service of the United States."

If there is any power to raise an army by draft to send to remote parts of the earth for military service, that power must be found in the language above quoted. For it is always to be remembered that the federal government is one of limited powers and that "Powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people" (10th Amendment).

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Nothing could be plainer from the foregoing provisions than the fixed purpose of the framers of the Constitution that the militia system as it then existed should remain as a definite and permanent part of the military establishment, and the purposes for which the militia could be used were only to execute the laws of the Union, suppress insurrections and repel invasions. The National Defense Act of June 3, 1916, Section 57 (Chapter 134, 39 Stat. L.), provides:

"The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States who shall be more than 18 years of age and, except as hereinbefore provided, not more than 45 years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia and the Unorganized Militia."

This section was designed to amend the Act of January 31, 1903, Chapter 196, Section 1 (32 Stat. L., 775), as amended by the Act of May 27, 1908 (35 Stat. L., 399), which reads as follows:

"The militia shall consist of every able-bodied male citizen of the respective States and territories and of the District of Columbia and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 years and less than 45 years of age, and shall be divided into two classes: the organized militia, to be known as the National Guard of the State, territory or District of Columbia or by such other designation as may be given them by the laws of the respective States and territories; the remainder to be known as the Reserve Militia; provided that the provi-

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sions of this Act and of §1,661 Revised Statutes as amended shall apply only to the militia organized as the land force."

It is apparent that the reserve militia of the Act of 1908, *supra*, is equivalent to the unorganized militia of the Act of 1916, in that they both refer to that body of men to which the draft act here under consideration of May 18, 1917, applies.

The Act of June 3, 1916, Chapter 134, Section 1 (39 Stat. L.), also provides:

"The army of the United States shall consist of the regular army, the volunteer army, the officers' reserve corps, the enlisted reserve corps, the National Guard while in the service of the United States, and such other land force now or hereafter authorized by law."

The last clause above quoted can only refer to the "unorganized militia" referred to in Section 57 of the Act. This Act of June 3, 1916, followed the Act of April 25, 1914, Chapter 71, Section 1 (38 Stat. L., 347), which provided that:

"The land forces of the United States shall consist of the regular army, the organized land militia while in the service of the United States, and such volunteer forces as Congress may authorize."

And this Act had in turn succeeded that of April 22, 1898, Chapter 187, Section 2 (30 Stat. L., 361), which provided:

"The organized and active land forces of the United States shall consist of the army of the United States and of the militia of the several States when called into the service by the United States: Provided that in

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time of war the army shall consist of two branches, which shall be designated respectively as the regular army and the volunteer army of the United States."

Section 1 of the Military Law of New York, being Chapter 36 of the Consolidated Laws of the State of New York, provides:

"All able-bodied male citizens between the ages of 18 and 45 years who are residents of this State shall constitute the militia subject to the following exemptions \* \* \*."

Provisions like the New York law are to be found in the Constitution and laws of all the States.

The foregoing legislation and in fact all the legislation on this subject from the time of the adoption of the Constitution down to the Act of June 3, 1916, has been in recognition of the plain Constitutional provision that the military forces of the United States consist (1) of the militia organized and usually referred to as the National Guard, and unorganized consisting of the able-bodied male citizens capable of bearing arms and subject to call by the United States for the three purposes mentioned; (2) the regular or standing army of the United States; (3) the volunteer army raised in time of war.

The dominating thought throughout the above provisions of the Constitution and the legislation based thereon is that the militia is a State institution; that it can never be abolished and can only be called into the service of the United States to execute the laws of the Union, suppress insurrections and repel invasions. "A well regulated militia being," as the Constitution declares, "necessary to the security of a free State," it is too clear for argument that the militia cannot be abolished either

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directly or indirectly and that it can be used by the federal government only for the three purposes specified. This necessarily excludes the possibility of sending the militia out of the country as a part of an army of occupation. This whole subject has fortunately been covered in two recent opinions, one by Judge-Advocate-General Crowder rendered to the Secretary of War December 29, 1911, and the other rendered by Mr. Wickersham, Attorney-General, to the Secretary of War February 17, 1912. The question submitted to Mr. Crowder was: "Under existing laws, may the President call out the National Guard and send it into a foreign country with the regular army as a part of an army of occupation, and especially in case the United States should intervene in the affairs of another nation?" The Judge-Advocate-General in a most instructive opinion, in which the whole subject is examined historically as well as from the decided cases, answered the question in the negative. That opinion, which is too long to quote, concludes as follows:

"As a conclusion from the foregoing observations and as a more specific answer to your question, it is my opinion that the President is not authorized to call out the National Guard and send it into a foreign country as a part of an army of occupation either in case of war or in case of intervention, unless as an incident to its use in repelling invasion or executing laws which for the time may be extended over such territory as hereinbefore indicated."

It will not be contended, of course, that the National Guard which is about to be sent to France is to repel an invasion; neither is it to execute any laws of the United States, since our laws can have



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no extraterritorial effect. In this opinion also Mr. Crowder says:

"As a military force it" (the militia) "was regarded as something distinct from the regular army which was recruited by *voluntary enlistments* and which was expected to serve its sovereign in war or peace, at home or abroad."

Again, referring to the framers of the Constitution, this opinion states:

"To their minds the militia was the principal military resource of the country, involved compulsory service, and was to be availed of in enforcing local order and resisting invasions and was distinct from the regular or standing army, *service in which was voluntary* and which could be used for all purposes of a military force at home or abroad."

Mr. Wickersham as Attorney-General on February 17, 1912, rendered a similar opinion to the Secretary of War which is reported in Vol. 29, page 322, Opinions of Attorney-General. In that opinion Mr. Wickersham said:

"It follows that the Constitution confers no power to send the militia into a foreign country for the purposes stated in the question here considered. On the contrary, by its specific enumeration of the only occasion for calling out the militia it clearly forbids this."

Now, it is in the face of these clearly expressed provisions of the Constitution, as repeatedly interpreted by the law officers of the federal government and by the courts, that it is proposed not merely to send the militia over the border into adjoining

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territory, as was contemplated at the time these opinions were asked for, but to send them over the seas into France. Counsel are aware that the Act of June 3, 1916, Section 111, attempted to overcome the constitutional prohibition by providing that the President might draft into the military service of the United States all members of the National Guard and of the National Guard Reserve and that

"all persons so drafted shall from the date of their draft stand discharged from the militia and shall from said date be subject to such laws and regulations for the government of the army of the United States as may be applicable to members of the volunteer army."

But this Act is clearly and patently unconstitutional. It proposes to cut up the National Guard root and branch and to destroy absolutely the militia. As fast as a State may organize its militia the federal government has but to draft it and it is no longer militia. All the elaborate provisions on the subject in the Constitution, including the provision that a well regulated militia is "necessary to the security of a free State," are swept aside. The Constitution becomes less than "a scrap of paper." The opinion of Attorney-General Wickersham referred to above becomes here very pertinent, wherein he said:

"Congress cannot by its own enactments enlarge the power conferred upon it by the Constitution; and if this provision were construed to authorize Congress to use the organized militia for any other than the three purposes specified it would be unconstitutional."

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Nor can the provision of the Constitution authorizing Congress to raise and support armies, afford justification for so much of the present draft law as seeks to appropriate to the forces of the United States for foreign service the unorganized militia. There is not any authority whatever for this proposition. The draft law of the Civil War has nothing to do with the case. That law was never passed upon by the Supreme Court of the United States or by any appellate Federal Court. It was passed upon only by the Supreme Court of one northern State, that of Pennsylvania. In

*Kniedler v. Lane*, 45 Penn. St., 238,

that law was first held unconstitutional by a majority of the court. Afterwards the term of the Chief Justice expired, another Judge was elected in his place, and the new Judge, joining with the minority, made a majority of one, which reversed the previous decision and upheld the law.

But it will be remembered that the draft of the Civil War was simply to raise an army to be used within the borders of our own country to put down a rebellion. It could not, as the present law may well do, exhaust the entire reserve militia by transporting them overseas to foreign countries.

In this connection note the language of the Constitution with regard to the navy. It provides that Congress shall have power "to provide and maintain a navy." This is certainly as broad as the provision that Congress has power to raise and support armies. And the navy clause is not limited, as the army clause is, by a provision that appropriations of money for its use shall not be made for longer than a term of two years. Does anyone contend that we can draft or impress men into our

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navy? The mere statement of the proposition has ever been repugnant to the people of this country. It was one of the issues we fought out with England in the War of 1812. The reason, however, is that to impress men into the navy meant that those men were to be sent to remote parts of the world to fight our battles and perhaps to die in foreign lands. Is it not equally repugnant to our humanity and equally in conflict with the Constitution to impress men into the army and send them overseas to die in the trenches of France or elsewhere in the war-ravaged countries of Europe or possibly even Asia or Africa?

The only cases that reached the courts of last resort on the Draft Law of 1863 were some cases originating in the Confederate States wherein the constitutionality of the Draft Law of the Confederacy was challenged. Obviously the decisions of those States are of little weight as authority, for though the constitutional provisions were the same as ours, their idea of the permanence of the written Constitution is so different from ours as to make the opinions of the courts of the Confederate States of little weight upon this question. Under the doctrine of the Confederacy a State could at any time withdraw from the Union and resume its powers if the Confederacy undertook the exercise of power which the State was not willing to concede to it. Moreover, at the time the Confederate Constitution was adopted there had been some contention that the right to draft existed, and it was therefore argued with great force that if the states had been unwilling to have that power exercised they would have provided against it when the Confederacy was formed. Even so, the doctrine of the decisions of the Confederate States was to the effect that if the

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draft was carried to the extent of destroying the militia the draft could not be upheld. In

*Burrows v. Peyton*, 16 Grat. (Va.), 470, the Court, while upholding the Confederate Draft Act, said:

"It is sufficient for the purposes of this decision to see as we do that neither of the Acts of Congress, the validity of which has been called into question, does destroy or impair the organization of the militia. It will be time enough when a case is brought before us in which the organization of the militia is destroyed or impaired by Congress to inquire what limits are fixed to their action in this respect."

See also the case of *Ex parte Coupland*, 26 Tex., 388, and particularly the dissenting opinion.

By the Draft Act here under consideration the very question is presented which was reserved in the decisions referred to. Here the militia as an institution, organized and unorganized, is destroyed. By the Draft Act of May 18 last the militia system is wiped out. By Section 2 of that act the members of the National Guard and of the National Guard Reserves are bodily drafted into the army of the United States for foreign service; while the other portions of the act assert the right to draft all of the unorganized militia of the states. The right of the states to a Legislature, to a Governor and to state officers is not more certainly beyond the reach of Congress to destroy than is the state militia. Congress might just as well pass a law drafting the Governor and the members of the Legislature and the state officers of the several states and thus deprive the states altogether of their governments, as to attempt to pass a law which will

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deprive the states of their militia or to force the militia into a service other than that provided for in the Constitution itself, for enforcing the laws of the United States, suppressing insurrections and repelling invasions. The Federal Government could answer as an excuse for drafting the members of the state government, just as it answers as an excuse for drafting the militia, that it took the men drafted not as officers, but as individuals.

The fact is that under the English system which we adopted and embodied in our Constitution the militia system was a fundamental part of the government. It was an institution made up by the people, insisted upon by them and maintained for their protection. The only way that either government ever supposed that it could raise an army for use outside the realm was by the system of voluntary enlistment. This was a fundamental part of the liberties of English-speaking people. It is the law in all the English colonies to-day, not because there is any statute which so provides, but because it is a part of the unwritten law or common law of those countries. In all the different changes which England has made in her military law during the last century, the last and most revolutionary before the present war being in 1907, it was never suggested that the government should have the power to draft men into the army for foreign service. When in the crisis of the present war England passed her draft act she changed her unwritten Constitution, as she may always do, by an act of Parliament.

But our Constitution cannot be changed by an act of Congress. We have tried in the Draft Act of May 18 last to change our Constitution. "An unconstitutional law is void and is no law." *Ex parte Garborough*, 110 U. S., 651. It is no answer to say that the provision of the Constitution that "Con-

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gress shall have power to raise and support armies" contains no limitation and that therefore Congress can use any means it pleases in order to raise an army. This provision of the Constitution must be read with the limitation in it which existed among all English-speaking people at the time the Constitution was adopted: that an army for foreign service could only be raised by volunteers. Congress by the Constitution was also given power "to borrow money." Is it contended that Congress can by force compel citizens to lend money to the government? The provision of the Constitution doubtless was intended to provide for raising an army for a different purpose than the militia could be used when drafted into the service of the United States. It may have contemplated an army for foreign wars, though this is hardly conceivable. Yet, if so, it must have contemplated the raising of an army for such purpose in the only way that such armies were wont to be raised under the institutions with which the framers of our Constitution were familiar.

## II.

**Even if Congress has the constitutional power to raise an army by draft to send overseas to engage in an offensive war in foreign lands, the Act of May 18, 1917, is nevertheless unconstitutional.**

The foregoing discussion has been directed to the proposition that Congress cannot under the Constitution, by any law which it may pass, raise an army by draft to send over the seas to engage in war in foreign lands. If that proposition has been

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established, of course it ends the discussion. But whether it has been established or not, the Draft Law of May 18, 1917, is unconstitutional and void for the reasons hereinafter briefly stated.

(1) *The Act of May 18, 1917, attempts an unconstitutional delegation of power.*

The language of the Constitution relied on to sustain this Draft Law is that so often quoted, that Congress shall have power to raise and support armies. The President has not any power to raise and support armies. No other department of government was to be trusted with that great power except the Congress itself, the body the most responsive to the people. When the provision of the Constitution with regard to calling out the militia is examined it is found to be quite different. That provision is: "The Congress shall have power \* \* \* to provide for calling forth the militia." In one case the power belongs exclusively to Congress. In the other, Congress may merely set the machinery in motion. It may provide for the things being done. The reason is obvious. Calling forth the militia for the three purposes specified in the Constitution was, so far as popular liberty was concerned, a much less serious matter than raising an army. Congress might merely direct some other body—the President or some other branch of the government—to call out the militia. But when it came to the great power of raising and supporting armies, that power was lodged nowhere else than with the Congress. And even the Congressional power was limited by the provision that appropriations could not be made for the army for a longer period than two years.

Under the Selective Draft Law Congress is not raising the army therein provided for at all. The



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very first provision in that law is: "The President \* \* \* is hereby authorized: First, immediately to raise, organize, officer and equip" an army. Again, referring to the second section of the act, it reads: "The President \* \* \* is hereby authorized \* \* \* to draft into the military service of the United States" the National Guard in accordance with the terms of the National Defense Act. Again: "The President \* \* \* is hereby authorized \* \* \* to raise by draft as herein provided" an additional force of 500,000 men."

Congress does not even pretend to raise the army which this measure provides for, but boldly and candidly says that it is the President that is to raise it. It is immaterial, so far as the constitutionality of the law is concerned, whether the power which Congress attempted to delegate was delegated to the President or to anyone else. The President takes nothing of power or right under this law by virtue of his office of President. Whatever this law attempts to authorize the President to do in the way of raising an army, if it can so lawfully authorize him, it could so lawfully authorize John Smith or anyone else. The President's function as commander-in-chief of the army operates only after the army itself is created. If Congress can delegate to the President the authority that is delegated under this law it can create a military dictator at any time by delegating to him the same authority. The exercise of the power to raise an army means necessarily determining who shall compose the army. But that is a matter which with some exceptions, to be presently noticed, is left entirely with the President. The Act of May 18 provides, Section 2:

"Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien ene-

mies who have declared their intention to become citizens between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe, not inconsistent with the terms of this Act. Quotas for the several States, territories and the District of Columbia, or subdivisions thereof, shall be determined in proportion to the population thereof, and credit shall be given to any State, territory, District or subdivision thereof for the number of men who were in the military service of the United States as members of the National Guard on April 1, 1917, or who have since said date entered the military service of the United States from any such State, territory, District or the subdivision, either as members of the regular army or the National Guard."

The exemptions provided for absolutely, which are found in Section 4 of the act, are the Vice-president, the legislative, executive and judicial officers of the states and of the United States, and

"regularly or duly ordained ministers of religion, students who at the time of the approval of this Act are preparing for the ministry in recognized theological or divinity schools, and all persons in the military and naval service of the United States shall be exempt from the selective draft herein prescribed; and nothing in this Act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well recognized religious sect or organization at present organized and existing, and whose existing creed or principles forbid its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed or principles of such religious organization."

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With the foregoing exceptions it is left to the President to determine who else shall be drafted.

After providing a long list of persons whom the President can relieve from the draft if he chooses, Section 4 provides that the President may exempt, if he chooses,

"persons engaged in industries, including agriculture, found to be necessary to the maintenance of the military establishment or the effective operation of the military forces or the maintenance of national interests during the emergency";

and

"those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable."

Then follow provisions with regard to boards for passing upon different claims for exemptions, which boards the President may or may not establish, as he chooses. The whole subject of exemptions results in this: that with the few specific exceptions of the statute the President can exempt anyone he thinks "advisable." In other words, Congress has shifted the entire responsibility or delegated it to the President. That the Congress cannot do this is elementary. Cooley in his "Constitutional Limitations," 7th Ed., page 163, states:

"Where the sovereign power of the State has located the authority, there it must remain. It is a settled maxim of constitutional law that the power conferred on the legislature to make laws cannot be delegated to any other body or authority."

Locke in his work on "Civil Government," Section 142, states:

"The legislature neither must nor can transfer the power of making laws to any-

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body else or place it anywhere but where the people have."

Compare in this respect the present Draft Law with the Law of 1863. In 1863 Congress made the law and determined who should constitute the army. In other words, Congress performed its constitutional function. Section 2 of the Act of March 3, 1863, provides:

"And be it further enacted that the following persons be and they are hereby excepted and exempted from the provisions of this Act and shall not be liable to military duty under the same, to wit: all such as are rejected as physically or mentally unfit for the service; also, First: the Vice-President of the United States, the judges of the various courts of the United States, the heads of the various executive departments of the government and the governors of the several states. Second, the only son liable to military duty of a widow dependent upon his labor for support. Third, the only son of aged or infirm parent or parents dependent upon his labor for support. Fourth, where there are two or more sons of aged or infirm parents subject to draft, the father or, if he be dead, the mother may select which son shall be exempt. Fifth, the only brother of children not twelve years old having neither father nor mother dependent upon his labor for support. Sixth, the father of motherless children under twelve years of age dependent upon his labor for support. Seventh, where there are a father and sons in the same family and household and two of them are in the military service of the United States as noncommissioned officers, musicians or privates, the residue of such family and household, not exceeding two, shall be exempt, and no person but such as are herein excepted shall be exempted. Provided, however, that no person who has been convicted of any felony

# The Emma Goldman Papers

850827/133

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Summary: The Civil Liberties Bureau compiles extracts from the legal briefs challenging the constitutionality of the Selective Draft Act.

Notes: Dark copy of title page. Twenty shots of thirty-seven pages.

32

shall be enrolled or permitted to serve in the said forces."

A comparison of these two laws clearly brings out the fatal weakness in the present law. Congress can no more delegate the power to the President to raise an army than it can to support an army. If Congress can leave to the President the selection of those who shall within specific ages be subject to the draft and jeopardize their lives, then Congress can also abdicate to the President the power of determining the amount of the financial sacrifice that the citizens shall be called on to make. Certainly it is more dangerous to give the President the power to raise an army composed of men of his selection than it would be to give him the power to raise the money to support the army. There are certain well recognized powers that Congress may leave to the executive and certain things that it cannot leave to the executive. Congress can leave to the executive the determination of certain facts on the establishment of which a statute may become operative or be suspended.

*Aurora v. U. S.*, 7 Cranch, 382.

*Field v. Clark*, 143 U. S., 683.

*Monongahela Bridge Co. v. U. S.*, 216 U. S., 177.

In *Field v. Clark*, *supra*, the Court said:

"The legislature cannot delegate its power to make a law, but it can delegate a power to determine some fact or state of things upon which the law makes or intends to make its own action depend."

Congress can leave to the executive the determination of certain regulations which require expert investigation beyond the ability of Congress to know.

*Butterfield v. Stranahan*, 192 U. S., 470.

33

The test laid down in that case is whether "Congress legislated on the subject as far as was reasonably practicable."

*Red Oil Mfg. Co. v. Board of Agriculture*, 222 U. S., 380, is a recent case of this sort. That Congress has not in the present Draft Law legislated on the subject as far as is "reasonably practicable" is demonstrated by placing the Draft Law of 1863 and the present Draft Law side by side. In the former case Congress raised the army. That is, it determined who should compose the army. In the case of the present Draft Law the President raises the army. That is, he determines who shall compose the army. By the present Draft Law the executive is vested with a greater power than that exercised by any sovereign on earth to-day—the power of selecting according to his own desires a standing army of such huge proportions as to overawe and paralyze every other department of government of the nation and of the states. The slightest knowledge of the history of our revolutionary times and of the forces which led up to the adoption of our Constitution, as well as the plain language of the document itself, demonstrates that the one thing, more than all others, which was sought to guard against was the exercise by the executive of the despotic power that this act now confers upon him of raising an army according to his own will. The present Draft Act plainly passes the line beyond which Congress cannot constitutionally go in delegating powers. It may be argued that the law is constitutional as an attempt by Congress "to provide for calling forth the militia." But this is to admit that the military force thus created cannot be used for any purpose outside of this country. It is only fair to say that so distinguished a con-



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stitutional authority as Hannis Taylor in a recent address to the Congress of the United States has pointed out that such is the reasonable and only constitutional construction of the act. See, in addition to the cases above cited, and many others along the same line, *Yick Woo v. Hopkins*, 118 U. S., 356.

(2) *The Act of May 18, 1917, clearly offends against the First Amendment of the Constitution.*

The First Amendment of the Constitution provides:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

It will be observed that this provision, the first of the amendments and the one probably standing first in the thought of the people, provides two things. One is that Congress shall make no law prohibiting the free exercise of religion. But the prior and even more important provision is that "Congress shall make no law respecting an establishment of religion." This meant, as the language indicates and the history of the discussion of that time shows, that Congress shall make no law to restrain or promote the principles of any particular religious organization. The members of such an organization could not *by reason of their membership* receive benefits or be charged with duties. In the words of Thomas Jefferson:

"To suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles on supposition of their ill tendency is a dangerous policy which at once destroys all religious liberty."

See:

1 *Jefferson's Works*, 45;

35

also

*Reynolds v. U. S.*, 98 U. S., 145-163.

In the *Reynolds* case, *supra*, which was one of the Mormon cases, it is said:

"Before the adoption of the Constitution attempts were made in some of the colonies and States to legislate not only in respect to the establishment of religion, but in respect to its doctrines and precepts as well. The people were taxed against their will for the support of religion and sometimes for the support of particular sects to whose tenets they could not and did not subscribe."

It was to do away with and for all time make impossible legislation which either imposed a burden or bestowed a benefit because of membership in a particular church that the First Amendment of the Constitution was adopted.

See also:

*Davis v. Beason*, 133 U. S., 342.

It is only necessary to refer to the exemptions from military service provided for in Section 4 of this Draft Act for the benefit of those belonging to certain religious organizations to see how completely this provision offends against the First Amendment of the Constitution. Section 4 exempts "regular or duly ordained ministers of religion, and students who at the time of the approval of this Act are preparing for the ministry in recognized theological or divinity schools." Opposition to war or to combatant service need not be a tenet of the church to which the above-named persons belong. They may believe in wading in the blood of their enemies. But they are exempted from military service. Even the students in "recognized"

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theological or divinity schools, whatever that may mean, are exempt. Then follows this further provision:

3B

"Nothing in this Act contained shall be construed to require or compel any person to serve in any of the forces herein provided for who is found to be a member of any well recognized religious sect or organization at present organized and existing whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation therein, in accordance with the creed or principles of said religious organizations."

3B

In other words, you may have two persons of exactly the same conviction of opposition to participating in war in any form. Both of them are equally honest; both are equally moral; both derive their convictions from the same source, their conscience; but one of them belongs to a certain church and the other does not. The one who belongs to the church is exempted from the duty of engaging in the combatant service of the war. The other for his conviction is made a felon and subjected to severe penalties. If this is not making a law "respecting an establishment of religion," no such law can be devised.

See also:

*Ex parte Avery*, 235 Fed. Rep. 248.

*In re Wulzen*, 235 Fed. Rep. 362.

Where, of course, as in the present case, a person has been convicted under this law and has preserved the constitutional questions by appropriate exceptions, the matter can be passed on directly in the Supreme Court.

# The Emma Goldman Papers

[Report on] Theodore Schroeder—President of the Free Speech League [1917?] / [Bureau of Investigation? Department of Justice?].— 3 p. ; 28 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Bureau of Investigation prepares a report on Theodore Schroeder, a free speech advocate who spoke at several events with Goldman.

Notes: Light copy; portions illegible.

THEODORE SCHROEDER  
President of the FREE SPEECH  
LEAGUE

Report:

Theodore Schroeder, lawyer, and President of the "Free Speech League", formerly of No. 65 East 59th Street, New York, now of Greenwich Connecticut, is a graduate of the University of Wisconsin. He practiced law in Salt Lake City for over twenty years and while there he gained national reputation for his opposition to Mormonism. He has always been a radical, a free thinker, and boasts of his atheism.

On October 23rd, 1907, he said the following in regard to marriage:

"I have no use for any religious ceremony. To me marriage is only a civil contract as to which the state may properly require publicity only for the purpose of conserving the material interests of the child; that is, for the purpose of fixing responsibility for its education and maintenance. The matter of divorce is governed by like considerations. When there are no immature children whose rights would be injuriously affected, divorce should be as easy as marriage, only a civil contract being required for the separation. The statute which makes adultery a crime should be repealed. If these fool laws to restrict divorce and authorize blackmail, continue to pass through these moral sentimentalists, sensible men and women will find the only resistance in the direction of remaining married."

At the same time Schroeder spoke at a meeting held at the Union, New York, October 23rd, 1907, celebrating the first anniversary of the execution of Sacco and Vanzetti, the Italian anarchists. There on the program were William D. Howells, John G. Cole, Charles Edward Russell, The Hon. William Brewster, George Bernard Shaw, John G. Saxe, and others. The Hon. William Brewster, U. S. Senator from New York, was the main attraction.

On April 4th, 1917, the Free Speech League, organized from Supreme Court cases, held a meeting at the New York City Court House, New York, for the purpose of organizing a "Free Speech League". The Hon. William Brewster, U. S. Senator from New York, was the main attraction. The Hon. William Brewster, U. S. Senator from New York, was the main attraction.

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At a session of the Industrial Relations Committee May 27th, 1915, Theodore Schroeder appeared as a witness. He described himself as a "lawyer without paying clients," declared he had been arrested in New York twice for advocating free speech. He then declared that there is no such thing as free speech, and a free press in the United States.

He advocated the repeal of all criminal libel laws and all censorial postal laws, and said he would have no law forbidding the mailing of obscene matter. After suggesting that all patent laws be repealed in the interest of the common people, that Congress enact an income tax law confiscating all over \$5,000 for each member of a family, and pass a land tax law. The witness concluded by stating that there is no practical remedy for any of these things—only an evolution toward an ideal.

In June, of 1914, Theodore Schroeder appeared in the I. V. F. trouble at Tarrytown, New York. He was connected with the deliberations of the Trustees of the Town of Tarrytown, vs the Radicals, and called the Trustees, "a bunch of pinch-holes" for shutting off the right to free speech.

At the session of the Industrial Relations Committee May 27th, 1915, Theodore Schroeder appeared and advanced the following methods for relieving social unrest in the country:

"The constitutional right of the people freely to carry on and to advocate resistance to the Government.

Courts should give the same protection to human rights as to property rights.

Recall of Judges and of judicial decisions of the Federal Supreme Court, as well as of other courts.

Removal of the postal censorship and free transmission through the mails of all ideas.

To stop superstitious reverence for the courts and unreasoning the Judges."

Schroeder also agreed for the most part with Mr. Wm. H. Murray as to the ultimate relief of social conditions.

At a meeting in Chicago, Ill., March 2nd, 1916, Emma Goldman, who had been arrested February 11th, for disseminating information of birth control, Theodore Schroeder spoke. Others on the program

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Case of Theodore Schroeder

Theodore Schroeder is at present living in a town called North Haven, which is under the jurisdiction of Greenwich, Conn. He is a well known radical, and does considerable writing for various publications. He is described as being about 45 years of age, of medium height, with dark hair and a thin beard.

270-9

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**EXPLANATORY NOTE**  
**LEGAL RESEARCH NOTES OF HARRY WEINBERGER, 1917**

The following six documents contain some of Harry Weinberger's legal research for Goldman and Berkman's Supreme Court appeal of their 1917 conviction for conspiracy to violate the Draft Act.

Most of the notes are in Weinberger's handwriting on legal pads; some notes are in Pitman shorthand; some are typed. The research is undated and often untitled and unnumbered. The editors have grouped pages by related topic, but the pages may not be in the proper sequence. Since Weinberger sometimes researched more than one topic and more than one case at the same time, portions of some pages may relate to other cases or legal issues.

A similar set of Weinberger's legal research notes covering topics related to Goldman and Berkman's deportation are located in the microfilm at the beginning of October 1919.

# The Emma Goldman Papers

[Notes in re: Bail Law, 1917?] / [Harry Weinberger] - 5 p. ; 34 x 22 cm.

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Summary: Weinberger researches the law in regard to bail, preparing for one of Goldman and Berkman's legal appeals.

Notes: Miscellaneous pages, not necessarily in sequence. Portions in shorthand. Some notes may date from 1919 deportation period.

1819  
1819  
1819

1646

1473

Supp Rules

The Revised Statutes provide "for any person  
offense against the United States, the offender may,  
by any justice or judge of the U.S., or by any com.  
of a Circuit Court, or by any bail, or by any chancellor,  
judge of a superior court or Superior Court,

"Bail shall be admitted for all arrests  
in criminal cases where the offense is not  
punishable by death;

U.S. R. S. § 1015

1648 Commit to may order that such court  
shall operate as a stay for proceedings under  
the sentence; <sup>1650</sup> bonds suff securities  
shall not offort.

appeals to commit Ct of appeals of convictions  
of crime Hudson - Parker 156 U.S. 277

1650 - where such writ of error is allowed  
in the case of a conviction of an infamous  
crime, or in any other criminal case  
in which it will lie under sec 546,  
(in ref to writ of error direct from a District  
Court to the Sup. Court) the Circuit Court or  
District Court, or any justice or judge  
thereof, shall have power, after citation  
served, to admit the accused to bail in  
such amount as may be fixed. (Sup Ct  
Rule 36, subd. 2)

The <sup>eight</sup> amendment to the Federal  
constitution ordains: excessive bail  
shall not be required.

A prisoner held for conspiracy  
may be bailed U.S. in Jones 3 Wash. C. C.  
224, Fed Cas 15,495

may after the  
citation is  
served, admit  
the accused to

Hudson - Parker  
156 U.S. 277  
was in error  
55 2d 68

Upon a writ of error from the Sup Ct of the  
U.S. to review a judgment of  
conviction of an infamous crime which  
is not capital, or involving with whom any justice  
of the Supreme Court, or any Circuit or District Court

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Officer having him in custody,  
Bond filed Clerk Send Session

755

The aff + allowance of the appeal must be delivered to the magistrate or clerk of the court rendering the judgment within 5 days after the allowance of the appeal & when so delivered the appeal is deemed taken.

756 ~~Clerk of~~ Magistrate must make return within 10 days

758 appeal brot on next term.  
10 days notice.

761 - with w/a return must be served on directly

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## Bail

551

by court, Court 39

552

a matter of right in misdemeanor

552

discretion of other cases

555 556

554 notice of application for may be required

Sec 555 Crim. Proc.

after the conviction of a crime not punishable with death, a deft who has appealed, or when there is a stay of proceedings, but not otherwise, may be admitted to bail:

1. as a matter of right, when appeal is from a judgment imposing a fine only

2. as a matter of discretion in all other cases

see matter of Taylor & Hise. 177, rev'd 143  
N.Y. 219

Ex rel Hummel - Reardon 186 N.Y.

161

In Connolly 88 A.D. 305

McKane - Dunston 153 N.Y. 684

529

was constantly 2 days since formal specification of the particular allegations alleged to have been wrongs record will be submitted on argument.

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Mr. A. Caminetti  
Commissioner General  
Immigration  
Washington DC

Bonds  
by X

2<sup>nd</sup> V<sup>is</sup> to \$ 15 000  
bail for A.B.  
— o. Atlanta & S.  
— o. / X  
— o. (Weinberger)  
— o. X  
— o. X

Callus for M.E.P.  
o. o. February. Hall  
Atlanta Ga.

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Rev. E.G.

Sec 1042 of the Revised Statute of U.S.  
Has no property worth more than <sup>\$</sup>25  
that is not exempt etc.  
imprisoned 30 days then application  
made.

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# The Emma Goldman Papers

[Notes in re: Supreme Court Jurisdiction, 1917? July?] / [Harry Weinberger].—  
4 p.; 28 × 22 cm.

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Summary: Weinberger researches the law on the jurisdiction of the Supreme Court to find out how to  
appeal Goldman and Berkman's conviction for violating the Selective Draft Act.

Notes: Unnumbered pages, not necessarily in sequence. One page in shorthand. For related documents, see  
850827004 and 850827005.

By jurisdiction is meant the right to act

Bumstead v Read

31 Barb 661

Jurisdiction is the power to hear & determine

Le Roy v Clifton 15 Fed Cas 358

U.S. v Arredondo 31 U.S. 691

Holmes v Oregon etc 9 Fed 229

& carry judgment into effect

Dillon v Heller

39 Kan. 598

Jurisdiction does not depend upon the  
correctness of the dec. made

In Talmadge

194 Ill 67

# The Emma Goldman Papers

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Certificate Under 23 of U. S. Judicial Code  
U. S. Dist Court, South Dist of New York  
Alec B. & R. S. Pliffs - in - error  
United S. of America Deft. - in - error

In this case, the District Court of the United States  
for the Southern Dist of New York hereby of '6 by,  
and re. quash, 7 2 by. r - r c' d'  
/ 12 20 5 - 41 7. 9. 6 - 0  
1 - ( 2 ' ) . - ) . c of To 3 r . p  
p . 2 ' 0 ' 4 6 ' 6 ' 7 . 9 . 6 - 0  
1 - ( 2 ' ) . - ) . c of To 2 -  
cc ' 4 ' 4 7 0 - 0 . 0 .  
4 ' - 7 7 6 ' 7 9 . 6 - 0 . 0  
- 3 6 7 - 0 6 7 ) - 5 4  
6 2 . 0 8 . 5 2 3 6 ' 5 - 1 ' 0

U. S. d / 1 1 1 1

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It is only when the q. is a Federal - involved that an appeal or writ of error lies direct to the Supreme Court

Carey v. Houston & F.C. Ry Co (1893)  
150 U.S. 170

U.S. v. Parlin  
208 U.S. 333

U.S. v. Sessions  
205 Fed 502

To bring a case within this provision it must appear of record that a question of jurisdiction was involved in the decision below that question alone must be certified to the Supreme Court.

Chaffell v. U.S. 160 U.S. 499  
40 L. Ed. 510 cases cited

jurisdiction of  
it is review

U.S. v. Sutton 47 Fed 129

The Supreme Court cannot review a decision on a jurisdictional question in the absence of a cert. of the trial court of the question in issue

Ansbro v. U.S. 159 U.S. 695  
Cert must be given during U.S. v. Parlin 208 U.S. 333

X a question of jurisdiction below is inadequate to sustain a direct writ of error, where such writ brings up the whole case, & not the question of jurisdiction, there is no certificate as to jurisdiction  
Afanas v. U.S., 233 U.S. 587

See Chaffell v. U.S.  
160 U.S. 499  
(over)

See U.S. v. John  
155 U.S. 109



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X Record, and not a certificate of trial  
judge, furnishes basis for determining  
whether suit involves the construction  
or application of the const.  
Cosmopolitan Min. Co. v. Walsh  
193 U.S. 460.

# The Emma Goldman Papers

[Notes in re: Rules of Supreme Court Procedure, 1917? July?] / [Harry Weinberger].  
— 6 p. ; 34 × 22 cm.

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Goldman and Berkman's conviction for violating the Selective Draft Act.

## APPEALS & WRITS OF ERROR FROM DISTRICT COURTS

)))

1. <sup>ix</sup> An appeal or a writ of error from a district court direct to this court in the cases provided for in Sec. 238 & 252 of the Act entitled "An Act to Codify, Revise and Amend the Laws relating to the Judiciary, approved Mar. 3, 1911, Chap. 231, - - - - - may be allowed, in term time or in vacation, by any justice of this Court, or by any district judge within his district, and the proper security be taken and the citation signed by him, and he may also grant a supersedeas and stay of execution or of proceedings pending such writ of error or appeal.

2 When such writ of error is allowed in the case of a conviction of an infamous crime, or in any other criminal case in ~~xxx~~ which it will be under Sec. 238, the district court or any judge thereof, or any justice of ~~xxx~~ this court, or any circuit court assigned to the district court, shall have power, after the citation is served to admit the accused to bail in such amount as may be fixed.

Rule 36.

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NOTE: A writ of error, therefore, can be issued by the Clerk of the U.S. Supreme Court (See Rule 40 infra), and at all events, if the writ is made returnable to the Supreme Court from the District Court, under the above decision, may be issued by a clerk of the district court.

Rule 40 of the U.S. Supreme Court reads as follows:

"The provisions of these rules relating to the practice on direct writs of error to and appeals from the district courts shall also be deemed to relate to ~~xx~~ and cover the practice on writs of error to and appeals from the Circuit Courts of Appeals."

Rule 8 writ of error & appeal Return & Record

See with <sup>with/for defendant</sup> a Praecipe which shall indicate the portions of the record to be incorporated into the transcript of the record on such appeal or writ of error. If defendant wants more we indicate it within 10 days. Clerk of the lower court transmits to this court only the portions of the record below designated by both parties as above provided.

OR Can stipulate in writing to be filed with the clerk of the lower court the portions of the record which

Copy Record all papers exhibits, deposition, etc.

30 day citation

(over)

9. Docketing cases  
Clerk in error docket case & file the record with clerk of Sup Ct. The case then stands for argument. Upon the filing of the transcript of a record brought by writ of error, the appearance of the counsel for the party docketing the case shall be entered.

10. See deposit for clerk's office. 20 pages arguments 30 copies signed by attorneys & co-counselors of this court, must be first filed.

But 3 weeks before case called for argument.

— 6 p. ; 34 × 22 cm.

**Summary:** Weinberger researches the rules of Supreme Court procedure to find out how to appeal Goldman and Berkman's conviction for violating the Selective Draft Act.

Rule 26

5.113 Criminal cases may be advanced by leave of the court on motion of either party.

sub 6 All motions to advance cases must be printed ~~must~~ contain a brief statement of the matter involved with the reasons for the application.

Rule 36

① went over the

signed by any judge of Supreme Court  
or by any circuit judge assigned to the District  
or by " dist. ct "

He may also grant a supersedeas  
stay of execution of proceedings,  
pending such writ of error

② where such writ of error is allowed in the case of a conviction for an infamous crime, or in any other criminal case in which it will lie under sec 238, the dist. Court, or any judge thereof, or any judge of this court, or any circuit judge assigned to the dist. Court, shall have power after the citation is served, to admit the accused to bail in such amount as may be fixed.

Superceded Bond P. 2747

Old papers of past  
 years what  
 what's who  
 record  
 other's stipulation  
 Copy  
 over attending him  
 to file papers to Oct 1st  
 then  
 bill of excel  
 1710  
 - 2 -

## The Emma Goldman Papers

[Notes in re: Rules of Supreme Court Procedure, 1917? July?] / [Harry Weinberger].

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Whenever the Jlf is in error wishes to have  
the court of review examine the proceedings  
upon the trial, it is necessary for him  
to prepare & serve a bill of exceptions

Writ of Error within 6 months.



# The Emma Goldman Papers

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## RE ISSUING WRITS OF ERROR

Circuit Ct. of Appeals, 6th Circuit (Southern Dist Ohio)  
 199 Fed. Rep. 115

In this case a writ of error was allowed from the Supreme Court by one of the judges of the Circuit Court of Appeals to review one of its decisions.

The question before the court was: By the clerk of which court should writ be actually issued.

The Revised Statutes Sec.1004 (U.S. Comp. St.1901,p. 713) as amended by act of Jan 22,1912, provides that:

"Writs of error returnable to the Supreme Court or a Circuit Court of Appeals may be issued, as well by the Clerks of the District Courts under the seal thereof, as by the clerk of the supreme court or of a Circuit Court of Appeals. When so issued, they shall be as nearly as the case may admit agreeable to the form of a writ of error issued by the clerk of the Supreme Court or the Clerk of a Circuit Court of Appeals"

**Held:** That where a writ of error from the Supreme Court has been allowed by a judge of the Circuit Court of Appeals to review a decision of that Court, it should be issued either by the Clerk of the Supreme Court or the Clerk of the Court of Appeals and not by the Clerk of the District Court.

The Court in so deciding, said at page 116:

"We think the natural and thus the correct construction of the amendment is that the writ of error may be issued by the Clerk of the Court to which it is returnable or by the Clerk of the Court whose judgment is to be reviewed and thus that the clerk of this court has authority to issue writ ~~is~~ in question, leaving no authority therefor in the Clerk of the District Court. \* \* \* \*

We realize that our construction of the statute is not ~~binding~~ binding on ~~the~~ the Supreme Court. \* \* \*  
 \* \* \* and if a plaintiff in error is not entirely satisfied of the power of the Clerk of this Court to issue the writ, he can and should save any question by having the writ issued by the Clerk of the Supreme Court. A plaintiff in error must take the responsibility in this regard. \* \* \* "

See Rule 40 of the U.S. Sup Co. infra.

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**Summary:** Weinberger researches the rules of Supreme Court procedure to find out how to appeal Goldman and Berkman's conviction for violating the Selective Draft Act.

In Writ of Error change to "Judge of the United States District Court for the Southern District of New York."

Petition for Writ of Error under supersedeas change to "Judge of the United States District Court for the Southern District of New York."

On the Citation change, as follows: By the Honorable  
one of the Judges of the District Court  
of the United States for the Southern District of New York  
to the United States of America, defendant-in-error, Greeting:

Given under my hand in the Borough of Manhattan, in  
the City of New York, New York, in said District Court, this  
of our Lord  
day of July, in the year/one thousand nine hundred and  
seventeen, and of the Independence of the United States,  
the one hundred and forty-first.

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Notes: Typed, with extensive handwritten margin notes by Weinberger. For related documents, see 850827005 and 870814008.

Probably correct  
"Judge of U.S. Supreme  
Court to allow them  
out on bail."

Clarification of Court  
jurisdiction

Can I appeal directly to  
U.S. Supreme Court  
until I am admitted  
Judgment must be  
entered.

## I. WRITS OF ERROR.

Foster's Federal Pr. Vol. III, P. 2356, et. seq.

A. A writ of error is the appropriate proceeding for the review of the judgment of a Court of Law. (a) A Judgment in a Criminal case can only be reviewed by a writ of error but not by appeal.

See  
Bucklin vs. U. S.  
159 U. S. 680

(p. 2357 Foster's)

There can be no reversal by the  
Supreme Court or a Circuit Court  
of appeals upon a writ of error for any  
error of fact.  
Where the evidence is contained  
in a bill of exceptions, the court may  
determine whether there was any error  
at all to support the facts essential to the  
judgment

An appeal is a new trial of the suit in the Appellate Court.

A Writ of Error is the institution for a new suit in the Court of Review.

(b) There can be no reversal by the Supreme Court or Circuit Court upon a writ of Error for any error of fact.

130 Fed. 951 (Paul vs. Del. &c. R. R.)

The Court merely looks to see if any error of law has been committed.

Upon a writ of Error there can be no reversal for error in ruling any plea in abatement other than a plea to the jurisdiction of the Court.

Price vs. U. S. (Circuit Court 169 Fed. 791)

~~Writs of Error may be taken direct to the Supreme Court in certain cases.~~

~~See also Foster's.~~

P 2361

## II. WRITS OF ERROR MAY BE TAKEN DIRECT TO SUPREME COURT IN CERTAIN CASES.

Under the Judicial Code Sec. 528, Appeals & writs of error may be taken from the District Courts direct ~~taken from the~~ to the Supreme Court in the following Cases:

1- Where the jurisdiction of the Court is in issue.

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2- In any case that involves the Construction or Application of the U. S. Constitution.

As to scope of construction or application of U. S. Constitution under this Section see notes pp. 2368 & 2369 of Foster's Fed. Pr.

3- In any case in which the Constitutionality of any law of the U. S. is drawn in question, or

In case in which constitution or Law of a State is claimed to be in Contravention of U. S. Constitution.

page 2369 Foster's

No writ of Error lies until final judgment or decree.

In cases taken directly to the Supreme Court, where a constitutional question is raised, the Supreme Court reviews all the questions in the Case, not merely the constitutional question.

For cases re above see notes p. 2370 Foster's - -

See Ekin vs. U. S.

142 U. S. 651

Homer vs. U. S. 143 U. S. 570, &c. D. Allman & Co vs. U. S. 224 U. S. 583

It would seem that where the sole question at issue arises under the Constitution of the U. S. the Circuit Court of Appeals acts without jurisdiction. So, where the Circuit Court of Appeals thus acted the Supreme Court reversed its decree without passing upon the merits of the Case.

See p. 2371 Foster's Pr.

The Supreme Court has jurisdiction whether the right claimed under the Constitution was x upheld or denied in the

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Court below provided that the Appellant is aggrieved by such decision - -

p. 2371 Foster's.

But where the Constitutional question & the question of jurisdiction are both decided by the District Court in favor of plaintiff he cannot appeal to the Supreme Court from a decree against him on the merits.

The Supreme Court however, will not take jurisdiction upon this ground when there is no substantial controversy which is not merely colorable concerning the construction or application of the constitution.

For cases see notes p. 2371 idem.

When a constitution question existed in the case ~~at~~ at the time error was sued out, the Supreme Court retains jurisdiction to decide the other questions therein, although the objection founded upon the Constitution has been obviated.

Foster 2372

A criminal case, when it involves the construction or application of the Constitution of the U. S. may be taken by the defendant directly from a District Court to the Supreme Court of the U. S. although there has been no conviction of a capital crime.

Page 2372 Foster's

See <sup>m</sup>Notes vs. U. S. 178 U. S. 458

Burton vs. U. S. 196 U. S. 283 492 U. S. 1150

Williamson vs. U. S.

207 U. S. 425



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## B. Parties to Writs of Error.

(a) All parties on the record who are injuriously affected by a final judgment or decree may appeal or sue out a writ of error.

P. 2445-Foster.

The friends of a party who is imprisoned cannot sue out a writ of error in his name without his authority.

P. 2445

## C. Time within which a Writ of Error must be taken.

(a.) 2 years after Entry of Judgment.

N. B. - - But where a party entitled to prosecute a writ of Error is an infant, insane, or imprisoned, such writ of error may be prosecuted, within 2 years, after the judgment, decree or order, exclusive of the term of disability.

Page 2456 - Vol. III p. 2456.

Where, however, the imprisonment or other disability has not begun till after the statute has begun to run, the operation of the statute is not suspended, pending such disability.

p. 2456.

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(No writ of error from the Supreme Court to review a Conviction of Crime the punishment of which is death can be "sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term or within such time not exceeding 60 days next after the expiration of the term of Court at which the trial shall have been had, as the Court may for cause allow by order entered of record. page 2456)

Time.

(b) Circuit Court - Writ of Error - "No appeal or writ of error by which any order, judgment or decree may be reviewed in the Circuit Court of Appeals under the provisions of this Act shall be taken or sued out except within 6 months after entry of order, &c.; except where lesser time is provided for this Court.

(c) If decree, order &c. be amended time begins to run from amendment.

(d) Time cannot be extended by order of Court - nunc pro tunc or otherwise - even, it has been held, if last day of limited time fall on Sunday.

See p. 2460 Foster's.

(e) A writ of Error is not Brought till it is filed in the office of the clerk of the Court to which it is addressed. So when it is tested allowed and issued in time but not filed till afterwards, it is brought too late.

p. 2461

An appeal is taken when it is allowed, its allowance is brought to the attention of the court below either by filing in the court either by filing in the clerk's office the petition for the allowance of the appeal; or where there is no formal allowance there of which - 5 - the bond or appeal is approved or filed, either with or without

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## III. PROCEDURE FOR WRITS OF ERROR.

- Clerk of Court issues writ of error on application*  
*which is then filed with name of Pres. of U.S. or name of associate justice next in precedence*  
*in the name of the chief justice, seal of court is signed by the*
- D. Writs of Error - - - (a) The writ is directed to the Court whose proceedings it is intended to review, and directs such Court to send up under its seal to the Appellate Court the record and process for inspection.

p. 2463

- (b) A writ of Error is usually accompanied by a citation <sup>juris-</sup> which serves as a notice, and therefore is not/dictional.
- p. 2463 *The return day must not be more than 30 days, whether the return-day fall in vacation or in term time.*
- (c) It is the duty of plaintiff in error to apply for writ and to deposit it for filing when issued.
- p. 2462

(d) While the Court may allow a writ of error, the usual practice is for the clerk of the Court of which the proceedings are to be reviewed to issue same under seal of such court, who <sup>affixes</sup> thereto his signature.

(However, in the District Court, for purposes of a writ of error, the writ is considered a writ of the court of review although issued from the clerk's office of the District Court.

p. 2464) *None of all parties left & left in Error*

(e) Writ issues in name of Pres. of U. S. is tested of the date of issue in the name of chief justice of U. S. or name of associate justice next in precedence. p. 2462.

(f) Return Day must not be more than 30 days from day of signing the citation, whether return day fall in vacation or term time.

p. 2463.

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(g) Writ cannot properly be issued before the entry of judgment which it brings up for review.

p. 2464.

(h) Writ must set out names of all parties, plaintiff or defendant in error.

p. 2464

(i) Writ may be amended by appellate Court under certain conditions.

p. 2465

2466 It is the proper practice to file a petition for the writ, to have it allowed by a judge of the court to which it is addressed, or a judge of the court below.

(j) Petition should be accompanied with assignment of errors, which should set out particularly and separately each error asserted and intended to be urged.

No writ of error is allowed to a District Court till such an assignment of error is filed.

When the error alleged is to the admission or to the rejection of evidence, the assignment of errors should quote the full substance of the evidence.

When the error alleged is to the ruling upon the report of a master, the specification should state the exception to the report and action of the court upon it.

p. 2462

assignment of error filed before writ of error issued.

## PAPERS NECESSARY.

- (k) 1 - Citation
- 2 - Petition for Writ of Error.
- 3 - Assignment of Errors
- 4- Writ of Error
- 5 - Order allowing Writ of Error

p. 2468

-7-

2468 A writ of error is served by lodging a copy with the clerk of the court to which it is directed. It must be served before its return day. A citation should be addressed to the depts in error, signed by a judge of the court to which the writ is addressed, & must be served upon them before their return day.

2469 Citation to be served before return of writ of error

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Section 997 of Revised Statutes requires Assignment of Errors. If there be no assignment of errors counsel will not be heard except at request of Court.

p. 2468

(1) Citation should be addressed to the defendant in an error and signed by judge of court to which writ is addressed, or any judge or justice of Appellate Court, and must be served upon them before return day.

p. 2468

~~Alias citation may be served if necessary.~~

~~p. 2469~~

2474

with citation

for a writ of error, must be filed with clerk an assignment of errors, which shall set out separately. Particularly each error asserted and desired to be urged.

Such assignment of errors shall form a part of the transcript of the record & printed with it.

Each error must be set forth in a separate assignment.

2481

no security is required upon a writ of error to the judgment of conviction of a crime of a court of the U.S.

2489

A supersedeas to a judgment of conviction of another crime <sup>(not capital)</sup> is obtained by the service of the writ of error before the return-day, without any security, provided the judge who signs the citation directs that the writ of error operate as a supersedeas. *Re Claassen* 140 U.S. 200. Such judge may, by security as a condition of the supersedeas.



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Notes: Pages unnumbered, not in sequence, relationship unclear. One page in shorthand.

P. 142

If money have been deposited instead of bail, & at any time before the forfeiture of surety money (etc), the court must order a return of the deposit to the deft etc.

General Practice

P. 1423 In the following particular the practice at common law in civil cases in the Circuit & District Courts of the U.S. is regulated by Federal Statutes: XXXX  
 Executions and proceedings supplementary thereto  
 (note supra § 427) Kull v Board of Directors C.C.A. 194 Fed. 73)

P. 1425 It has been held that as to the following matters the Circuit and District Courts will in civil actions at common law follow the statutes of the respective states where they are held:

P. 1342 § 427

Executions & proceedings supplementary thereto. A statute passed June 1, 1872, & incorporated in the Revised Statutes Dec 1, 1873 provides that "the party recovering a judgment in any common law cause in any Circuit or District Court, shall be entitled to similar remedies for the same, by execution or otherwise, to reach the property of the judgment debtor, as are now provided in like causes by the laws of the State in which such Court is held, or by any such hereafter enacted which may be adopted by general rules of such Circuit or District Court; and such Courts may from time to time, by general rules, adopt such State laws as may hereafter be in force in such State in relation to remedies upon

judgments aforesaid, by execution or otherwise  
 U.S.R.S. § 916, 4 Stat. Ch 68, P. 281  
 Kull v Board of Directors 123 Fed. 73

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no mandate issues without an order from the appellate court, which is usually granted only on consent or upon notice. It was. In 1917 the Supreme Court

upon the filing of the mandate in the court below, that court acquiesces jurisdiction of the case. but it then proceeds with the execution of its own decree as affirmed.

In the Sup Ct "mandates shall issue, as of course, after the expiration of thirty days from the day the judgment is entered, unless the time is enlarged by order of the court, or of a justice thereof when the court is not in session, but during the term (S.D. Rule 39.)

The court will examine plain error even tho not mentioned in assignment of error.

Does not consider ~~the~~ mandated as accessory but as conspirator

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Foster Federal Practice § 101

"Errors not assigned, according to this rule will be disregarded, but the court, at its option, may notice a plain error not assigned." ~~as C.C. A Rule 11 and some in the circuit court of appeals~~ (Citing authorities.)

Upon a writ of error in a criminal case, the Supreme Court considered an objection that a cruel & unusual punishment was imposed, altho the same was not specified in the assignment of error.

Weems v. U.S. 217 U.S. 349

Other cases where the court took notice of errors that were not assigned

see Columbia Heights Realty Co v. Rudolph 217 U.S. 547

Briscol v. Dist of Columbia 221 U.S. 547

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... 3 + B

1917

Supreme Court

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... a certificate

Supremacy Bond P. 2747

Bail shall be admitted in

Code 238

no certificate

218

Reader

BEST COPY AVAILABLE

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Notes: Pages unnumbered, not in sequence, relationship unclear. One page in shorthand.

take into account &  
superseeding

U.S. Marshall pursue position as sheriff  
foster Federal Justice

§ 427 A statute passed June 1, 1872  
incorporated in the Revised Statutes  
Dec 1, 1873, provides that "the party  
recovering a judgment in any common  
law cause in any Circuit or Dist  
Court, shall be entitled to similar  
remedies upon the same, by  
execution or otherwise, to reach  
the property of the judgment  
debtor, as are now provided in  
like causes by the laws of the  
State in which such court is  
held, or by any such hereafter  
enacted which may be adopted  
by general rules of such Circuit  
or Dist Court; and such courts  
may from time to time, by general  
rules, adopt such State laws as  
may hereafter be in force in such  
State in relation to remedies upon  
judgments, as aforesaid by execution  
or otherwise U.S.R.S. § 916/4 St. at L. Ch. 68  
h. 281 Lancaster & Keeler 123 U.S. 376  
31 L. Ed. 238, Erie Drinker Mfg Co 63 Fed 248  
Ager & Murray 105 U.S. 126  
U.S.C.C., S.D. N.Y. Oct 11, 1878 & Dec 29, 1881  
The C.C. & D.C. have generally promulgated  
rules adopting the State practice in the State  
XXX X X X The adoption  
rule gives the Federal court at  
power to enforce the proceeds  
to execution without as by the St

647, 766, 916, 1000,  
1001, 1002, 1003, 1004,  
1005, 1006, 1007, 1008,  
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1109, 1110, 1111, 1112,  
1113, 1114, 1115, 1116,  
1117, 1118, 1119, 1120,  
1121, 1122, 1123, 1124,  
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1129, 1130, 1131, 1132,  
1133, 1134, 1135, 1136,  
1137, 1138, 1139, 1140,  
1141, 1142, 1143, 1144,  
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# The Emma Goldman Papers

[Notes in re: Goldman & Berkman's 1917 Appeal, 1917 (fragments)] / [Harry Weinberger].— 9 p. ; 34 x 22 cm.

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Summary: Weinberger takes notes on various aspects of the law regarding Goldman and Berkman's appeal of their 1917 conviction, including his petition for a rehearing before the Supreme Court.

Notes: Pages unnumbered, not in sequence, relationship unclear. One page in shorthand.

3 party order necessary to  
get money

The society a judgment  
of the U.S. Supreme Court  
does not authorize the  
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Fongkuan & Muncell  
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2446 order permitting person indebted to pay debt  
to sheriff  
at any time after the commencement of a special  
proceeding, authorized by this article, before the afft.  
of a receiver therein, or the extension of a receivership  
therein, the judge etc. may in his discretion, stay  
Does Connection Stay pliffs right

See records in marshals office + court

proof to his satisfaction that a person  
or corp. is indebted to the judgment debtor,  
upon such notice, given to such persons  
as he deems just, or without notice, make an  
order, permitting the person or corporation,  
to pay to a sheriff, designated in the order a  
sum or amount of the alleged indebtedness  
not exceeding the sum which will satisfy the  
debt.

See  
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A copy of the records, of the U.S. etc of  
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# The Emma Goldman Papers

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New Orleans - Warner

116 U.S. 92

plead a brief to support the  
petition

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# The Emma Goldman Papers

[Notes in re: Goldman & Berkman's 1917 Appeal, 1917 (fragments)] / [Harry Weinberger]. — 9 p. ; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger takes notes on various aspects of the law regarding Goldman and Berkman's appeal of their 1917 conviction, including his petition for a rehearing before the Supreme Court.

Notes: Pages unnumbered, not in sequence, relationship unclear. One page in shorthand.

The justice who signs the citation and grants a ~~deferred~~ order may order the prisoner, after the service of the citation to be admitted to bail by the judge before whom the conviction was had, upon giving a bond in a certain sum, in proper form & with suff. sureties. An ~~affidavit~~ bond is necessary to allow the prisoner to go at large.

The circuit court of appeal may admit to bail, pending a writ of error, a prisoner, after his conviction of a crime that is not capital.

McKnight v. U.S. C.C.A. 113 Fed 451  
51 C.C.A. 285

It has been said that, where the indictment does not charge an indictable offense, the amount of bail is in the discretion of the magistrate (U.S. v. Smith Fed Cas 16,330)

"In all criminal or penal cause in which judgment is imposed the payment of a fine or penalty x x x the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the debt in like manner as judgment in civil cases are enforced.

U.S. R.S. § 1041

Surety cannot recover against debt

U.S. v. Ruder  
110 U.S. 729  
Cotton v. Maloney  
v. Nelson  
158 N.Y. 351

Carr v. Davis  
64 W. Va. 522

Superior v. Roberts  
35 Pa. 180

Holker v. Henney  
143 Mo. 80

Pugh v. Kidmore  
170 Cal. 261

See also

U.S. v. Law X  
1 Cranch C.C. 486  
28 Cal. 15, 078

U.S. v. Stevens  
16 Fed 101

Dunley v.

150 U.S. 512

In Horse

Notes: Pages unnumbered, not in sequence, relationship unclear. One page in shorthand.

Amendes cagnard  
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leave of Court find  
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which he  
will rely  
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Supulation &  
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Handwritten notes in a cursive script, likely a continuation of the text from the previous page, discussing the same topics of the soul and the body.

Bill of exceptions  
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and things could not otherwise  
appear in the record have  
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in the presence of the clerk by his  
counsel ~~and~~

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W.S.R.

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1894/95

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Clerk's certificate  
 "Glen Jackson"

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*[Handwritten signature]*

## The Emma Goldman Papers

Law on Conspiracy [1917 between July and Dec.] / [Harry Weinberger?]. — 9 p. ; 36 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger researches conspiracy law to prepare for his Supreme Court appeal of Goldman and Berkman's conviction for conspiracy to violate the Selective Draft Act and possibly to advise them during their trial.

Notes: Two copies of pages 1 and 2. Pages may be out of sequence. Handwritten notations, probably by Weinberger.

### LAW ON CONSPIRACY.

U. S. vs. Frisbie 28 Fed. 808, (Circuit Court, La.):

A conspiracy is a breathing together. It means that on the part of these three person there was a common purpose, supported by a concerted action, to defend the government; that each had the intent to do it; that it was common to the three men; and that each understood the others as having that purpose.

U. S. vs. Hamilton 26 Fed. Cas. NO. 15, 288, Circuit Court S. D. Ohio) The evidence must show: First, the conspiracy, that is the agreement, the combination, the common design, the common purpose to do the thing charged x x x and secondly, if the evidence shows the existence of such conspiracy, it must be shown that one or more of the defendants, in pursuance of such conspiracy, and to effect the object and purpose thereof, did one or more of the overt acts charged in the indictment. If both these propositions are found in the affirmative the defendants are guilty, and such should be the verdict. x x x x x x x x  
IF THE CONSPIRACY WAS FORMED, BUT NOT FOR THE PURPOSE CHARGED, THE DEFENDANTS WOULD NOT BE GUILTY. If the overt acts alleged were done or committed, but not for the purpose and object of carrying into effect the conspiracy, the defendants would not be guilty.

x x x The evidence to convict should be as full and satisfactory in the case of direct evidence ~~as~~ circumstantial evidence of the conspiracy. In weighing circumstantial evidence, the jury should adopt for their guidance the following well established rules, which the law in its justice and humanity prescribes: First, that the circumstances themselves must be fully established second, that all the circumstances are consistent with the guilt of defendant; third, that the circumstances should be of a conclusive nature and tendency to prove the guilt of the defendant; fourth, it is essential that the circumstances should, to a moral certainty convince the jury of the guilt of the defendant.



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IN THE WORDS OF GREENLEAF, WHERE A CRIMINAL CHARGE IS TO  
BE PROVED BY CIRCUMSTANTIAL EVIDENCE, THE PROOF OUGHT TO BE NOT  
ONLY CONSISTENT WITH THE GUILT OF THE PRISONER, BUT INCONSISTENT  
WITH ANY OTHER RATIONAL CONCLUSION, EXTRACT FROM STARXIE 865.

THE LEGAL presumption of innocence remains with the prisoner  
all through the case, and ceases only when the evidence establishes  
in the minds of the jury, beyond a reasonable doubt, the guilt  
of the prisoner.

People vs. McKane 143 N. Y. 455 at P. 470: when a con-  
spiracy is shown, or the evidence on the subject given sufficient  
for the jury, then the acts and declarations of the conspirators,  
in furtherance of its purpose and object, are competent.

U. S. vs. Goldberg 7 Bissell's (U. S.) 175 ~~xxx~~.

"There must be both the corrupt agreement or combination, and an  
act or acts done by one or more of the parties to affect the  
illegal object or design agreed upon, to make the punishable  
offense (conspiracy) under the Statute.

Persons may conspire together to commit an offense against  
the United States; the conspiring together may be complete, yet  
if the proceeding stops with the mere agreement, and no act is  
done to carry into effect the object of the agreement or con-  
spiracy, no criminal offense has been committed. x x x x x But  
the moment any act is done to affect the object of a conspiracy,  
that moment criminal liability is fixed. x x x x The act must  
be one, you will observe, to affect the object of the conspiracy.  
That must be the character of the act. It must not be an act  
which is part of the conspiracy - it must not be one of a series  
of acts constituting the agreement or conspiring together, but it  
must be a subsequent, independent act following a completed con-  
spiracy and done to carry into effect the object of the original  
combination. Where the prosecution in a criminal case rely  
upon circumstantial evidence, that is, upon proof of the facts  
or circumstances which are to be used as a means of arriving  
at the principal fact in question, it is a rule that these facts  
or circumstances must be proved in order to lay the basis for the

## The Emma Goldman Papers

850827017

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### LAW ON CONSPIRACY.

U. S. vs. Frisbie 28 Fed. 808, (Circuit Court, La.):

A conspiracy is a breathing together. It means that on the part of these three person there was a common purpose, supported by a concerted action, to offend the government; that each had the intent to do it; that it was common to the three men; and that each understood the others as having that purpose.

U. S. vs. Hamilton 26 Fed. Cas. NO. 15, 288, Circuit Court S. D. Ohio) The evidence must show: First, the conspiracy, that is the agreement, the combination, the common design, the common purpose to do the thing charged x x x and secondly, if the evidence shows the existence of such conspiracy, it must be shown that one or more of the defendants, in pursuance of such conspiracy, and to effect the object and purpose thereof, did one or more of the overt acts charged in the indictment. If both these propositions are found in the affirmative the defendants are guilty, and such should be the verdict. x x x x x x x  
IF THE CONSPIRACY WAS FORMED, BUT NOT FOR THE PURPOSE CHARGED, THE DEFENDANTS WOULD NOT BE GUILTY. If the overt acts alleged were done or committed, but not for the purpose and object of carrying into affect the conspiracy, the defendants would not be guilty.

x x x The evidence to convict should be as full and satisfactory in the case of direct evidence as circumstantial evidence of the conspiracy. In weighing circumstantial evidence, the jury should adopt for their guidance the following well established rules, which the law in its justice and humanity prescribes: First, that the circumstances themselves must be fully established second, that all the circumstances are consistent with the guilt of defendant; third, that the circumstances should be of a conclusive nature and tendency to prove the guilt of the defendant; fourth, it is essential that the circumstances should, to a moral certainty convince the jury of the guilty of the defendant.

## The Emma Goldman Papers

850827017

Law on Conspiracy [1917 between July and Dec.] / [Harry Weinberger?]. - 9 p.; 36 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger researches conspiracy law to prepare for his Supreme Court appeal of Goldman and Berkman's conviction for conspiracy to violate the Selective Draft Act and possibly to advise them during their trial.

Notes: Two copies of pages 1 and 2. Pages may be out of sequence. Handwritten notations, probably by Weinberger.

IN THE WORDS OF GREENLEAF, WHERE A CRIMINAL CHARGE IS TO  
BE PROVED BY CIRCUMSTANTIAL EVIDENCE, THE PROOF OUGHT TO BE NOT  
ONLY CONSISTENT WITH THE GUILT OF THE PRISONER, BUT INCONSISTENT  
WITH ANY OTHER RATIONAL CONCLUSION, EXTRACT FROM STARKIE 865.  
THE LEGAL presumption of innocence remains with the prisoner  
all through the case, and ceases only when the evidence establishes  
in the minds of the jury, beyond a reasonable doubt, the guilt  
of the prisoner.

People vs. McKane 143 N. Y. 455 at P. 470: when a con-  
spiracy is shown, or the evidence on the subject given sufficient  
for the jury, then the acts and declarations of the conspirators,  
in furtherance of its purpose and object, are competent.

U. S. vs. Goldberg 7 Bissell's (U. S.) 175 ~~xxx~~.

"There must be both the corrupt agreement or combination, and an  
act or acts done by one or more of the parties to effect the  
illegal object or design agreed upon, to make the punishable  
offense (conspiracy) under the Statute.

Persons may conspire together to commit an offense against  
the United States; the conspiring together may be complete, yet  
if the proceeding stops with the mere agreement, and no act is  
done to carry into effect the object of the agreement or con-  
spiracy, no criminal offense has been committed. x x x x x But  
the moment any act is done to affect the object of a conspiracy,  
that moment criminal liability is fixed. x x x x The act must  
be one, you will observe, to affect the object of the conspiracy.  
That must be the character of the act. It must not be an act  
which is part of the conspiracy - it must not be one of a series  
of acts constituting the agreement or conspiring together, but it  
must be a subsequent, independent act following a completed con-  
spiracy and done to carry into effect the object of the original  
combination. "Where the prosecution in a criminal case rely  
upon circumstantial evidence, that is, upon proof of the facts  
or circumstances which are to be used as a means of arriving  
at the principal fact in question, it is a rule that these facts  
or circumstances must be proved in order to lay the basis for the

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presumption which is sought to be established. x x x x x  
The burden of proof throughout is upon the prosecution to prove the guilt of the defendants. In a case depending upon circumstantial evidence the rule is that first "the hypothesis of delinquency or guilt of the offense charged in the indictment should flow naturally of the facts proved and be consistent with them all, and second, the evidence must be such as to exclude every reasonable hypothesis but that of his guilt of the offense imputed to him; or in other words, the facts proved must all be consistent with and point to guilt only, and must be inconsistent with innocence."

VII  
You must be convinced beyond a reasonable doubt that the defendants in trial have committed the offense or offenses charged, in order to convict them. Each and every fact necessary to constitute the offense, must be proved - that is beyond a reasonable doubt. Until guilt is proven there is an absolute presumption of innocence.

8 Cyc. 625.

Under the Federal Statutes some overt act in pursuance of the conspiracy is a necessary element of any offense against the U. S.

X Pattibone vs. U. S. 148 U. S. 197, 37 L. Ed. 419

X U. S. vs. Cassidy 67 Fed. 698

8 Cyc. 628.

Three elements are necessary to constitute conspiracy (1) For two or more persons to conspire together (2) to commit any offense against the U. S. (3) an overt act of one or more parties to affect the object of the conspiracy.

U. S. vs. Cassidy 67 Fed. 698 and see U. S. vs. Barrett 65 Fed. 62.

Each is responsible for everything done by his confederates which follows incidentally in the natural consequences execution of the common design as one of its probable

See U. S. vs. Sweeney 95 Fed. 434

U. S. vs. Kane 23 Fed. 748.



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Nevertheless the act must be the ordinary and probable  
effect of the wrongful act, specifically agreed on so that  
the connection between them may be reasonably apparent and not  
a fresh and independent product of the mind of one of the  
conspirers outside of or foreign to the common design.  
Williams vs. State 81 Ala. 1 Meyers vs. State 31 So. 375  
Handley vs. State 115 Ga. 584. Lamb vs. People 96 Ill. 73  
Even if the common design is unlawful and if one member of the  
party depart from the original design as agreed upon by all  
of the members, and did an act which was not only <sup>not</sup> contemplated  
by those who entered into the common purpose, but was not  
in furtherance thereof, and not the natural or legitimate con-  
sequent or anything connected therewith, the person guilty  
of such act, if it was itself unlawful, would alone be res-  
ponsible therefor. (Citing authorities)

Handley vs. State 115 Ga. 584.

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CHARACTER

Good character is a fact, like all the other facts  
proven in the cause, to be weighed and estimated by the  
jury, and is especially proper to be shown in a case de-  
pending on circumstantial evidence. In a doubtful case  
it may turn the scale in favor of the accused.

U.S. v. Lancaster, 44 Fed. 885

U.S. v. Babcock, 24 Fed. Case No. 14,487.

When a conspiracy has been shown to exist, overt  
act which may be referred to it may be proved, although  
such acts were those of one conspirator. But such acts  
of one are not admissible against the others until the  
conspiracy has been shown to exist. In no case can acts  
occurring after the conspiracy is formed be referred to to  
prove the existence of the conspiracy.

People v. Brickner, 15 N.Y. Supp. 528

x x U.S. v. McKee, 28 Fed. Case No. 15685.

U.S. v. BABCOCK, 24 FED. CASE NO. 14,487,

REILLY v. U.S., 106 FED. 896

U. S. V. LANCASTER, 44 FED. 885.

IX  
WHERE A CONVICTION OF THE CRIME OF CONSPIRACY  
IS SOUGHT AS IN OTHER CRIMINAL CASES THE JURY MUST ACQUIT  
IF UPON ANY REASONABLE HYPOTHESIS THEY CAN RECONCILE THE  
EVIDENCE WITH DEFENDANT'S INNOCENCE.

PEOPLE V. GOSLIN, 131 N.Y. 627 APP. 967 A.D.  
16 DAVIS v. U.S. 107 FED. 753.

X  
E  
THE CONSPIRACY TOGETHER IS SO NECESSARY,  
AS A CONSTITUENT ELEMENT OF THE CRIME, THAT IT HAS BEEN  
HELD THAT SEVERAL PERSONS MAY, SIMULTANEOUSLY, ACTUALLY  
DO, WITHOUT INCURRING LIABILITY TO PUNISHMENT, THAT WHICH  
IF IT WERE THE OBJECT OF A PRECONCERTED DESIGN, THOUGH  
NOT DONE OR ATTEMPTED, WOULD RENDER THE PARTICIPANTS  
LIABLE FOR CONSPIRACY; (CLIFFORD V. BRANDON, 2 CAMPB. 358)  
NOR WILL EVIDENCE THAT EACH OF SEVERAL DEFENDANTS ACTED  
ILLEGALLY OR MALICIOUSLY WITH THE SAME END IN VIEW  
SUPPORT A CHARGE OF CONSPIRACY, UNLESS IT APPEARS THAT  
SUCH ACTS WERE DONE PURSUANT TO A MUTUAL AGREEMENT.

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Weinberger.

NEVILL V. JENKINS, 26 PA. ST. 159  
REX. V. PYRELL, 1 STARK. 402.

American and English Encyclopedia of Law, vol. 6

page 838:

"As the definition of conspiracy imports essential  
requisites of the offense are (1) combination  
(2) between two or more persons (3) to accomplish  
an object criminal or unlawful in itself (4) x x x  
to adopt a phrase frequently met with in reports and  
text books, the combination is "the gist of the  
offense."

U.S. v. Miller, 3 Hughes, 553.  
U.S. v. Walsh, 5 Dill. U.S. 60.  
U.S. v. Lancaster, 44 Fed. Rep. 896.  
U.S. v. Cassidy, 67 Fed. Rep. 698.

The object of the conspiracy being only so far  
material as it may determine the character of the joint  
intent and agreement.

In Pettibone v. U.S., 148 U.S., 197, it was held  
that:

"Although to complete the agreement of conspiracy  
some act to affect its act is necessary, yet the  
conspiracy to commit the crime is still the gist  
of its criminality."

See also opinion of Judge Benedict, in U.S.  
v. Donau, 11 Blatchf. (U.S.) 168, page 639:

"It has been said that the law making conspiracy  
a crime is designed "as a curb to the moderate power  
to do mischief which is gained by a combination of  
the means. However, this may be, the confederating  
together is so necessary, as a construing element  
of the crime, that it has been held that several  
persons may, simultaneously, actually do, without  
incurring the law to punishment, that which if  
it were the object of a preconcerted design, though  
not done or attempted, would render the participants  
liable to indictment for conspiracy; nor will evidence  
that each of several defendants acted illegally or  
maliciously with ~~defendants~~ the same end in  
view support a charge ~~of conspiracy~~ of conspiracy  
unless it appears that such acts were done pur-  
suant to a mutual agreement."

The mere knowledge, acquiescence, or approval  
of the act, without cooperation or agreement to co-operate,  
is not enough to constitute one a party to a conspiracy.  
There must be intentional participation in the transaction  
with a view to the furtherance of the common design and  
purpose.

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U.S. v. Newton, 52 Fed. 275.

U.S. v. Nunnemacher, 7 Biss. (U.S.) 11  
27 Fed. Case No. 15,902.

8 cyc. 622.

Where the object in view is lawful and no unlawful means are used there can be no prosecution for conspiracy.

Comm. v. Myers, 29 Wkly. Notes Cas. (Pa.) 497.

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**Notes:** Light copy; portions illegible. Enclosed with 811222038 through 811222041 and 870220000.

# WHY GO TO WAR? REFUSE TO KILL OR BE KILLED

[illegible]

66



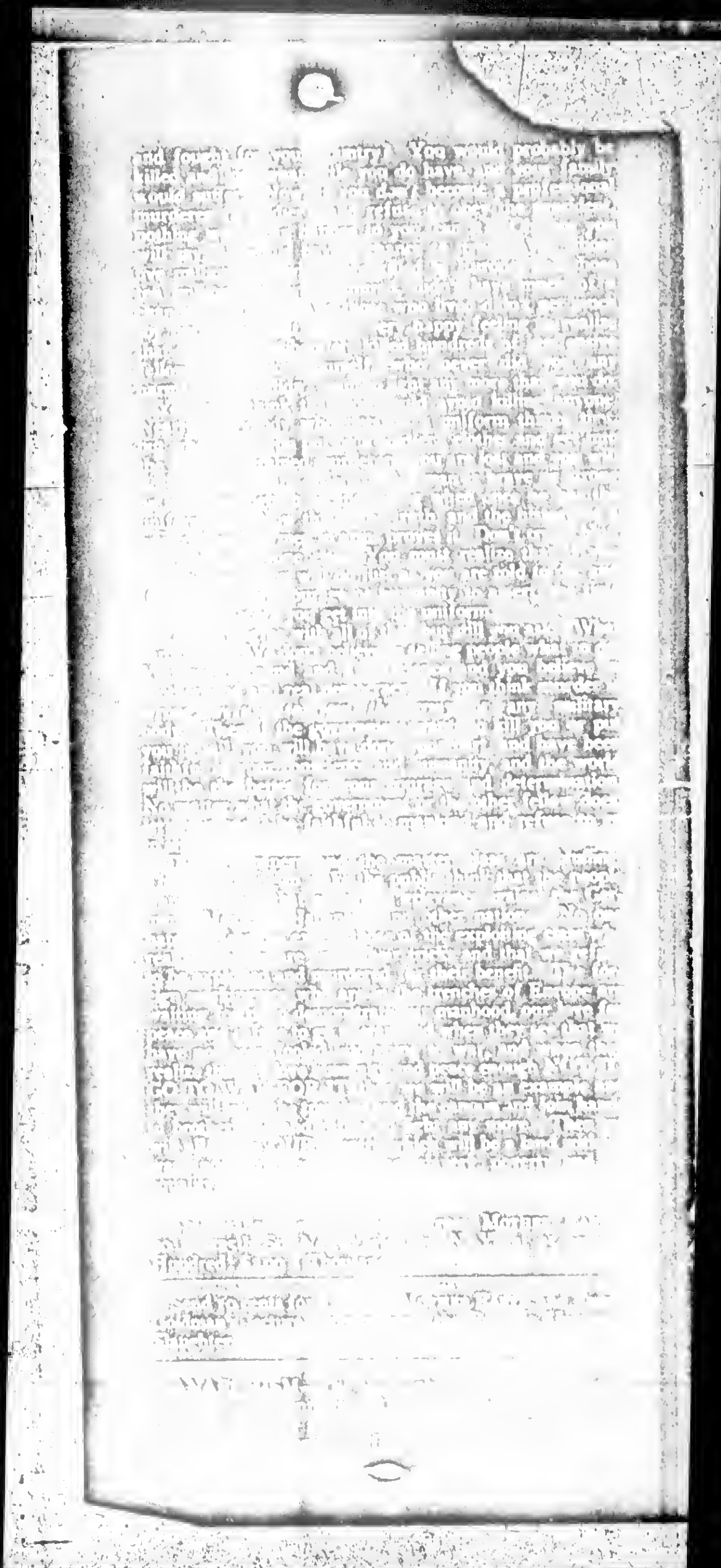
# The Emma Goldman Papers

Why Go To War? Refuse To Kill Or Be Killed[leaflet] / Ben L. Reitman. — [New York?] : [Mother Earth Pub. Ass'n, April? 1917].— 2 p. ; 28 × 13 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Reitman's pamphlet argues against conscription and all government-sponsored wars.

Notes: Light copy; portions illegible. Enclosed with 811222038 through 811222041 and 870220000.



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# The Emma Goldman Papers

[Letter] 1917 April 18, San Francisco [to William H. Lamar] Solicitor, P[ost] O[ffice]  
Department, Washington, D.C. / [Charles?] Gay, Postmaster [Post Office Department].  
- 1 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: The San Francisco postmaster asks the Post Office solicitor whether cited articles in *Mother Earth* opposing conscription make the issue unmailable.

Notes: For reply, see 810128119.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF  
POSTMASTER  
SAN FRANCISCO, CAL.

April 18, 1917.

APR 23 1917

The Solicitor,  
P.O. Department  
Washington, D. C.

I enclose herewith a copy of "Mother Earth" published at  
New York City by Emma Goldman, and entered as second class matter  
at that post office:

Your attention is particularly invited to the advertisement  
on the inside page of the back cover which appears to be in  
violation of Section 480, Postal Laws and Regulations, Edition of  
1913, and to the advertisement on the opposite page with reference  
to a book entitled "War: What For?"

On page 41 will be found an article headed "Why You Shouldn't  
Go To War - Refuse To Kill Or To Be Killed".

This matter is submitted for such action as you may deem  
necessary.

*Charles F. Gay*  
Postmaster.

Enc.  
S-B.  
fka.

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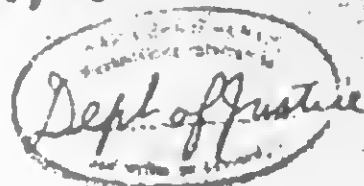
# The Emma Goldman Papers

[Letter] 1917 April 23, Brooklyn, N.Y. [to] Bohn, [New York?] / Jessie W[allace] Hughan. — 1 p. ; 26 x 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Goldman's Bureau of Investigation file contains Hughan's letter asking Mr. Bohn to attend a meeting of the executive board of the No Conscription Alliance.

15448  
378 Grand Ave., Brooklyn, N.Y., April 23, 1917



My dear Mr. Bohn,-

Will it be possible for you to be present at a meeting of the Executive Board of the No Conscription Alliance to-morrow, at 5 o'clock sharp, at 139 W. 13 St.? As Mr. Scott Nearing is unable to serve, you are the next on the list, and I hope sincerely you can be a member of the board. To-morrow's meeting will probably be crucial as really starting the completed organization. Then we will determine as to times of meeting, future methods, etc.

Meanwhile will you use what influence you can toward the exemption of Conscientious Objectors? Please write to your congressman, and senators and get everyone else possible to do the same thing? It is practically impossible to down conscription, but this exemption will make all the difference in the world to us. (right away)

Sincerely,

Jessie W. Hughan

ASSISTANT AND CHIEF CLERK

JUL - 3 1917

5 WAR DEPT.

Corr. to Dept. Justice

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# The Emma Goldman Papers

[Letter 19] 17 April 26, N[ew] Y[ork to Arthur?] Woods, Police Commissioner, N[ew] Y[ork] / C.B. Long. — 1 p. ; 27 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: C.B. Long warns the New York City police commissioner that Berkman is printing anti-war articles in *The Blast*.

Notes: Barely legible.

COPY

In reply, April 26/17

Police Commissioner Woods

City Hall

Dear Sir:

Alex. Berkman who makes his office with Mother Earth

Goldman and others who are now publishing a journal

entitled "The Blast" which is a very dangerous

organ for the city and the country and is a

very dangerous organ for the city and the country

and is a very dangerous organ for the city and the country

and is a very dangerous organ for the city and the country

P.S. Berkman is the anarchist who served 12 years in Pa. prison for stabbing Frick in Pittsburgh.

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# The Emma Goldman Papers

[Letter] 1917 April 30 [Chicago to] A. Bruce Bielaski, Chief, Bureau of Investigation [Department of Justice], Washington, D.C. / [Hinton G. Clabaugh] Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 26 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh notifies Bielaski that the Post Office found Reilman's anti-conscription circulars tied to mailboxes in Chicago.

Notes: Light copy; portions illegible. For enclosure, see 870204000.

RECEIVED  
MAY 2 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

63916

APR 30 1917

A. Bruce Bielaski, Esq.,  
Chief, Bureau of Investigation  
Washington, D.C.

In re Anarchists (Ben Reilman)  
European Sentimentality Matter

Your attention is respectfully invited to the  
letter from Gen. James M. Stuart, Post Office  
Inspector, Chicago, Ill., dated April 27, 1917.

I transmit herewith a few  
circulars together with a report by Mr.  
Alphonse, a collector for the Chicago  
Post Office, who found them tied to  
mailboxes.

These circulars consist of  
a leaflet against war, and are in favor of  
peace. The name of Ben. Reilman  
appears at the head of the circular,  
and is given as the author. It also appears  
that the circular is published by a per-  
son known as "Father Earth," 222 East  
Chicago, Ill.

The following account of Gen. Stuart's  
letter dated April 27, 1917, is as follows:

"A bunch of circulars were  
found by me, hanging on the wall box at  
222 East Springfield Ave. I also noticed that  
there had been a bunch hanging on the wall  
box at 222 East 2nd Ave. at which only the strip  
of the circular was visible. These circulars  
were found on April 27, 1917."

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# The Emma Goldman Papers

No Conscription! / No Conscription League. — New York : No-Conscription League [1917 May?]. — 2 p. ; 30 × 22 cm.

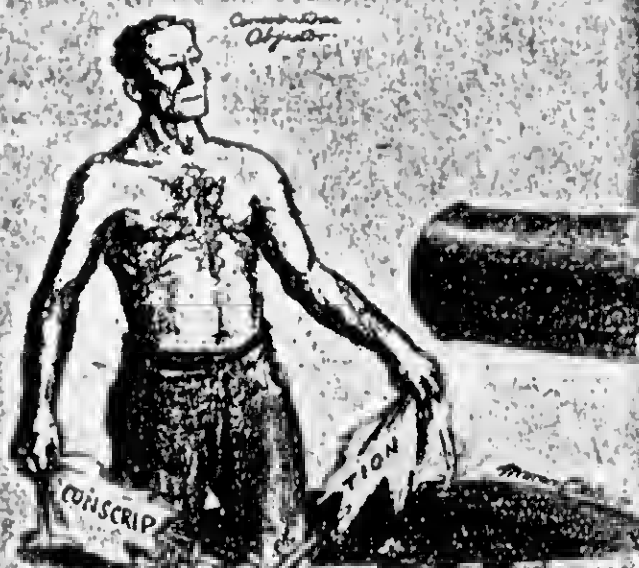
Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: The first manifesto of the No Conscription League argues against militarism and supports conscientious objectors.

Notes: Enclosed with 810618037, 870210001, 870210003, 870220002, 880603006, and 880603010. Introduced as prosecution's exhibit 1 at Goldman and Berkman's 1917 trial, see 810206005.

## NO CONSCRIPTION!

**C**ONSCRIPTION has now become a fact in this country. It took England fully 18 months after she engaged in the war to impose compulsory military service on her people. It was left for "free" America to pass a conscription bill six weeks after she declared war against Germany.



What becomes of the patriotic hoast of America to have entered the European war in behalf of the principle of democracy? But that is not all. Every country in Europe has recognized the right of conscientious objectors—of men who refuse to engage in war on the ground that they are opposed to taking life. Yet this democratic country makes no such provision for those who will not commit murder at the behest of the war profiteers. Thus the "land of the free and the home of the brave" is ready to coerce free men into the military yoke.

No one to whom the fundamental principle of liberty and justice is more than an idle phrase, can help realize that the patriotic clap-trap now shouted by press, pulpit and the authorities, betrays a desperate effort of the ruling class in this country to throw sand in the eyes of the masses and to blind them to the real issue confronting them. That issue is the Prussianizing of America so as to destroy whatever few liberties the people have achieved through an incessant struggle of many years.

Already all labor protective laws have been abrogated, which means that while husbands, fathers and sons are hunched on the battlefield, the women and children will be exploited in our industrial hostiles to the heart's content of the American patriots for gain and power.

Freedom of speech, of press and assembly is about to be thrown upon the dungheap of political guarantees. But crime of all crimes, the flower of the country is to be forced into murder whether or not they believe in war or in the efficacy of saving democracy in Europe by the destruction of democracy at home.

Liberty of conscience is the most fundamental of all human rights, the pivot of all progress. No man may be deprived of it without losing every vestige of freedom of thought and action. In these days when every principle and conception of democracy and individual

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION  
JUN 18 1917  
NO-CONSCRIPTION LEAGUE  
20 EAST 125TH STREET  
NEW YORK  
WAR DEPARTMENT

Please find contribution of \$\_\_\_\_\_ for the work of the  
No-Conscription League, and enter me on the membership list.

Name \_\_\_\_\_

Address \_\_\_\_\_

RECEIVED

JUN 2 - 1917

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liberty is being cast overboard under the pretext of democratizing Germany, it behooves every liberty-loving man and woman to insist on his or her right of individual choice in the ordering of his life and actions.

The NO-CONSCRIPTION LEAGUE has been formed for the purpose of encouraging conscientious objectors to affirm their liberty of conscience and to make their objection to human slaughter effective by refusing to participate in the killing of their fellow men. The NO-CONSCRIPTION LEAGUE is to be the voice of protest against the coercion of conscientious objectors to participate in the war. Our platform may be summarized as follows:

We oppose conscription because we are internationalists, anti-militarists, and opposed to all wars waged by capitalistic governments.

We will fight for what we choose to fight for; we will never fight simply because we are ordered to fight.

We believe that the militarization of America is an evil that far outweighs, in its anti-social and anti-libertarian effects, any good that may come from America's participation in the war.

We will resist conscription by every means in our power, and we will sustain those who, for similar reasons, refuse to be conscripted.

We are not unmindful of the difficulties in our way. But we have resolved to go ahead and spare no effort to make the voice of protest a moral force in the life of this country. The initial efforts of the conscientious objectors in England were fraught with many hardships and danger, but finally the government of Great Britain was forced to give heed to the steadily increasing volume of public protest against the coercion of conscientious objectors. So we, too, in America, will doubtless meet the full severity of the government and the condemnation of the war-mad jingoes, but we are nevertheless determined to go ahead. We feel confident in arousing thousands of people who are conscientious objectors to the murder of their fellowmen and to whom a principle represents the most vital thing in life.

Resist conscription. Organize meetings. Join our League. Send us money. Help us to give assistance to those who come in conflict with the government. Help us to publish literature against militarism and against conscription.

We consider this campaign of the utmost importance at the present time. Amid hateful, cowardly silence, a powerful voice and an all-embracing love are necessary to make the living dead shiver.

NO-CONSCRIPTION LEAGUE  
20 East 125th St., New York.

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# The Emma Goldman Papers

Proclamation and War Program / Socialist Party. — Chicago : Socialist Party [U.S.]  
1917 May. — 4 p. ; 23 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Socialist Party of the United States pledges to oppose the war and all military conscription because it pits the working class against itself.

Notes: Light copy; portions illegible. Enclosed with 811222041 and 870204000.

## PROCLAMATION and WAR PROGRAM

The Socialist Party of the United States in the present grave crisis, solemnly reaffirms its allegiance to the principle of internationalism and working class solidarity the world over, and proclaims its unalterable opposition to the war just declared by the government of the United States.

Modern wars as a rule have been caused by the commercial and financial rivalry and intrigues of the capitalist interests in the different countries. Whether they have been frankly waged as wars of aggression or have been hypocritically represented as wars of defense, they have always been made by the classes and fought by the masses. Wars bring wealth and power to the ruling classes, and suffering, death and demoralization to the workers.

They breed a sinister spirit of passion, unreason, race hatred and false patriotism. They obscure the struggles of the workers for life, liberty and social justice. They tend to sever the vital bonds of solidarity between them and their brothers in other countries, to destroy their organizations and to curtail their civic and political rights and liberties.

The Socialist Party of the United States is unalterably opposed to the system of exploitation and class rule which is upheld and strengthened by military power and sham national patriotism. We therefore, call upon the workers of all countries to refuse support to their governments in this senseless war of the contending national groups of capitalists, and to

concern of the workers. The struggle which would pit the workers in taking up arms in the great struggle of the working class of the world to free itself from economic exploitation and political oppression, and we particularly warn the workers against the snare and delusion of defensive warfare. As against the false doctrine of national patriotism we uphold the ideal of international working class solidarity. In support of capitalism, we will not willingly give a single life or a single dollar; in support of the struggle of the workers for freedom we pledge our all.

The mad orgy of death and destruction which is now convulsing unfortunate Europe was caused by the conflict of capitalist interests in the European countries.

In each of these countries the workers were oppressed and exploited. They produced enormous wealth but the bulk of it was withheld from them by the owners of the industries. The workers were thus deprived of the means to purchase the wealth which they themselves had created.

The capitalist class of each country was forced to look for foreign markets to dispose of the accumulated "surplus" wealth. The huge profits made by the capitalists could no longer be profitably invested in their own countries; hence, they were driven to invest for foreign fields. The geographical boundaries of each unmodern capitalist country became too narrow for the industrial and commercial growth of the capitalist class.

BEST COPY AVAILABLE



# The Emma Goldman Papers

Proclamation and War Program / Socialist Party. — Chicago : Socialist Party [U.S.]  
1917 May. — 4 p. ; 23 x 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** The Socialist Party of the United States pledges to oppose the war and all military conscription because it pits the working class against itself.

**Notes:** Light copy; portions illegible. Enclosed with 811222041 and 870204000.

The efforts of the capitalists of all leading nations were therefore centered upon the domination of the world markets. Imperialism became the dominant note in the politics of Europe. The acquisition of colonial possessions and the extension of spheres of commercial and political influence became the object of diplomatic intrigue and the cause of constant clashes between nations.

The acute competition between the capitalist powers of the earth, their jealousies and distrusts of one another and the fear of the rising power of the working class forced each of them to arm to the teeth. This led to the mad rivalry of armament, which, years before the outbreak of the present war, had turned the leading countries of Europe into armed camps with standing armies of many millions, drilled and equipped for war.

Capitalism, imperialism, and militarism had thus laid the foundation of an inevitable general conflict in Europe. The ghastly war in Europe was not caused by an accidental event, nor by the policy or institutions of any single nation. It was the logical outcome of the competitive capitalist system.

The six million men of all countries and races who have been ruthlessly slain in the first thirty months of this war, the millions of others who have been crippled and maimed, the vast treasures of wealth that have been destroyed, the untold misery and sufferings of Europe, have not been sacrifices exacted in a struggle for principles, political or humanitarian, but only for the sake of private profit.

The forces of capitalism which have led to the war in Europe are even more hideously transparent in the war recently provoked by the ruling class of this country.

When Belgium was invaded, the government enjoined upon the peo-

ple of this country the duty of remaining neutral, thus clearly demonstrating that the "dictates of humanity" and the fate of small nations and of democratic institutions were matters that did not concern it. But when our enormous war traffic was seriously threatened, our government calls upon us to rally to the "defense of democracy and civilization."

Our entrance into the European war was instigated by the predatory capitalists in the United States who boast of the enormous profit of seven billion dollars from the manufacture and sale of munitions and war supplies and from the exportation of American food stuffs and other necessities. They are also deeply interested in the continuance of war and the success of the allied arms through their huge loans to the governments of the allied powers and through other commercial ties. It is the same interests which strive for imperialistic domination of the Western Hemisphere.

The war of the United States against Germany cannot be justified even on the plea that it is a war in defense of American rights or American "honor." Ruthless as the unrestricted submarine war policy of the German government was and is, it is not an invasion of the rights of the American people as such, but only an interference with the opportunity of certain groups of American capitalists to coin gold profits out of the blood and sufferings of our fellow men in the warring countries of Europe.

It is not a war against the militarist regime of the Central Powers. Militarism can never be abolished by militarism.

It is not a war to advance the cause of democracy in Europe. Democracy can never be imposed upon any country by a foreign power by force of arms.

It is a cant and hypocritical

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# The Emma Goldman Papers

Proclamation and War Program / Socialist Party. — Chicago : Socialist Party [U.S.]  
1917 May. — 4 p. ; 23 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Socialist Party of the United States pledges to oppose the war and all military conscription because it pits the working class against itself.

Notes: Light copy; portions illegible. Enclosed with 811222041 and 870204000.

that the war is not directed against the German people, but against the Imperial Government of Germany. If we send an armed force to the battlefields of Europe, its cannon will mow down the masses of the German people and not the Imperial German Government.

Our entrance into the European conflict at this time will serve only to multiply the horrors of the war, to increase the toll of death and destruction, and to prolong the fiendish slaughter. It will bring death, suffering and destitution to the people of the United States and particularly to the working class. It will give the powers of reaction in this country the pretext for an attempt to overthrow our rights and to crush our democratic institutions, and to fasten upon this country a permanent militarism.

The working class of the United States has no quarrel with the working class of Germany or of any other country. The people of the United States have no quarrel with the people of Germany or any other country. The American people did not want and do not want this war. They have not been consulted about the war and have had no part in declaring war. They have been plunged into this war by the trickery and treachery of the ruling class of the country through its representatives in the National Administration and National Congress, its demagogic agitators, its subsidized press, and other worthy instruments of public deception.

We brand the declaration of war by our government as a crime against the people of the United States and against the nations of the world.

In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

No greater villainage has ever been forced upon a people than that

which the capitalist class is forcing upon this nation against its will.

In harmony with these principles, the Socialist Party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

1. Continuous, active, and public opposition to the war, through demonstrations, mass petitions, and all other means within our power.

2. Unyielding opposition to all proposed legislation for military or industrial conscription. Should such conscription be forced upon the people, we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription. We pledge ourselves to oppose with all our strength any attempts to raise money for payment of war expenses by taxing the necessities of life or issuing bonds which will put the burden upon future generations. We demand that the capitalist class, which is responsible for the war, pay its costs. Let those who kindled the fire furnish the fuel.

3. Vigorous resistance to all reactionary measures, such as censorship of press and mails, restriction of the rights of free speech, assembly, and organization, compulsory arbitration, and limitation of the right to strike.

4. Consistent campaign against military training and militaristic teaching in the public schools.

5. Extension of the campaign of education among the workers and organize them into strong, conscious, and active unions.

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# The Emma Goldman Papers

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1917 May. — 4 p. ; 23 × 18 cm.

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Summary: The Socialist Party of the United States pledges to oppose the war and all military conscription because it pits the working class against itself.

Notes: Light copy; portions illegible. Enclosed with 811222041 and 870204000.

cal and industrial organizations to enable them by concerted and harmonious mass action to shorten this war and to establish lasting peace.

6. Widespread, educational propaganda to enlighten the masses as to the true relation between capitalism and war, and to organize them for action not only against present war but for the prevention of future wars and for the destruction of the causes of war.

7. To protect the masses of the American people from the pressing danger of starvation which the war in Europe has brought upon them and which the entry of the United States has already accentuated demand.

(a) The restriction of food exports so long as the present war age continues, the fixing of maximum prices, and whatever measures may be necessary to prevent the food speculators from hoarding back the supplies now in their hands.

(b) The nationalization and democratic management of the great industries concerned with the production, transportation, storage, and the distribution of food and other necessities of life.

(c) The socialization and democratic management of the land and other natural resources as a part of the national production and distribution.

These measures are presented as means of protecting the workers against the evil results of the present war. The danger of recurrence of war will exist as long as the capitalist system of the world remains in existence. The end of wars will come with the achievement of socialism primary, and industrial democracy the work over. The Socialist Party calls upon the workers to join this program to reach this goal and to bring into the world a new society in which peace, fraternity, and human brotherhood will be the dominant ideal.

MAY 1917

This is No. 1 of the Series ORGANIZATION LEAVLETS (a) Monthly 1.

THE NATIONAL OFFICE, SOCIALIST PARTY  
Price 20c per hundred \$1.50 per thousand

IF THIS INTERESTS YOU, PASS IT ON

Subscribe to The American Socialist, published weekly by the National Office, 222 West Madison Street, Chicago, Ill. 50 cents per year, 50¢ per 6 months. If it is a paper without a name.



# The Emma Goldman Papers

[Contribution/Membership Form] / No Conscription League.— [New York? 1917 May?]. — 1 p. ; 9 × 13 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** The document is a form request for contributions to the No Conscription League.

**Notes:** Enclosed with 870210002, 870210003, 870220002, 880603010 and 880603011. Introduced as prosecution's exhibit 8C at Goldman's anti-conscription trial.

**NO-CONSCRIPTION LEAGUE**  
20 EAST 125TH STREET  
NEW YORK

*Please find contribution of \$\_\_\_\_\_ for the work of the  
No-Conscription League, and enter me on the membership list.*

Name \_\_\_\_\_

Address \_\_\_\_\_

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The Emma Goldman Papers

[Contribution/Membership Form / League of Conscientious Objectors. — New York?  
1917 May?]. — 1 p. ; 11 × 11 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Goldman's Bureau of Investigation file includes a form membership card for the League of Conscientious Objectors.

Notes: Possibly enclosed with 880603006 and 880603010.

Date \_\_\_\_\_ 2347

ENROLL ME AS A MEMBER OF  
*The League of Conscientious Objectors*

Enrollment Fee \_\_\_\_\_ Dollars \_\_\_\_\_ Cents

Y

Name \_\_\_\_\_

Address \_\_\_\_\_

Signed \_\_\_\_\_

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# The Emma Goldman Papers

[Letter] 1917 May 2 [Chicago to] A. Bruce Bielaski, Chief, Bureau of Investigation [Department of Justice], Washington, D.C. / [Hinton G. Clabaugh] Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 26 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** The division superintendent requests the Bureau of Investigation to stop the circulation of Reitman's anti-conscription pamphlet.

**Notes:** Barely legible. For enclosure, see 870204000. For copy, see 811222038.

May 2, 1917

Mr. A. Bruce Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

Re: Ben L. Reitman,  
Anarchist Matter

For your information, I am enclosing herewith a pamphlet entitled "Why go to war? Refuse to kill or be killed," written by Ben L. Reitman, N.D., the well known anarchist leader. This pamphlet is apparently published at the plant of "Mother Earth", the anarchist newspaper printed at 20 E. 125th St., New York City.

This office has received numerous complaints of the distribution of pamphlets of this nature. It is suggested that some action be taken to stop the circulation of this material.

Very truly yours,

Hinton G. Clabaugh

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# The Emma Goldman Papers

[Letter] 1917 May 2 [Chicago to] A. Bruce Bielaski, Chief, Bureau of Investigation [Department of Justice], Washington, D.C. / [Hinton G. Clabaugh] Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 26 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Notes: Barely legible. Copy of 811222040.

6391

747:SR

May 2, 1917

A. Bruce Bielaski, Esq.

Chief, Bureau of Investigation

Department of Justice

In re Ben L. Reitman,  
European Centrality Matter.

For your information, I am enclosing herewith a leaflet entitled "Why go to war? Refuse to kill or be killed." written by Ben L. Reitman, M.D., the well known anarchistic leader. This leaflet is apparently published at the plant of "Mother Earth", the anarchistic newspaper, printed at 20 E. 125th St., New York City, of which Ben Goldman is one of the leading spirits.

This office has received numerous complaints against the distribution of leaflets of this character and I feel that some action should be taken to stop their distribution.

Very truly yours,

Division Superintendent

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# The Emma Goldman Papers

810128034

[Letter] 1917 May 8, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster [Post Office Department].—  
1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Patten asks Lamar whether he should keep the May issue of *Mother Earth* out of circulation.

Notes: For follow-up, see 810128013.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.

46647

MAY 8 1917

1 Enc.

May 8, 1917

Solicitor,  
Post Office Department.

The enclosed copy of the May 1917 issue of "Mother Earth", is submitted for your consideration and advice as to the treatment of copies which are mailed, in view of the character of the matter therein, particularly that in the article "Columbia Has Awakened".

This publication is entered as second class matter and the regular mailing was made about a week ago and disposed of in regular course. A few copies (3 pounds) have now been mailed by the publishers' office and are held at Station L.

In your letter of the 16th ultimo instructions are given to forward specimen copies of "circular matter" of a disloyal or treasonable nature or criticising the policy of the Government in connection with the war. There is doubt, however, as to whether the instructions apply to newspapers or periodical publications which are entered as second class matter and whether issues of such publications containing matter of the character referred to should be withheld from despatch or delivery pending instructions from the Department.

Please advise me on this point.

T. G. Patten  
Postmaster.

M-33

BEST COPY AVAILABLE

83

# The Emma Goldman Papers

[Letter] 1917 May 8, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster [Post Office Department].

- 1 p. ; 34 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Notes: Enclosed with 810128013. Copy of 810128034.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

COPY

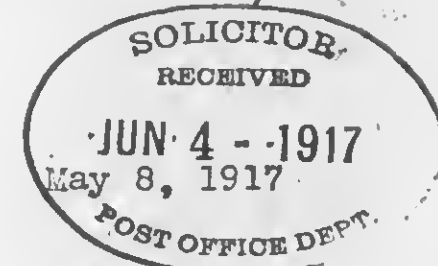
46647

OFFICE OF THE POSTMASTER

United States Post Office

NEW YORK, NEW YORK

1 Enc.



Solicitor,

Post Office Department.

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Please advise me on this point.

T. G. PATTEN

Postmaster

Per

THOS. F. MURPHY

Assistant Postmaster

E-jj  
(h)

# The Emma Goldman Papers

[Letter] 1917 May 10, Washington [D.C. to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W[illiam] H. Lamar, Solicitor, Post Office Department. — 1 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: The Post Office solicitor forwards the April 1917 issue of *Mother Earth* to the chief postal inspector for investigation.

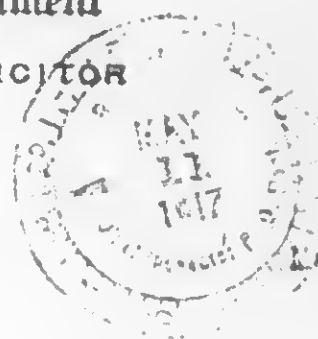
Notes: Broken type; light copy. Response to 811283001. For reply, see 810128117.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46547-W

Post Office Department  
OFFICE OF THE SOLICITOR  
Washington



May 10, 1917.

Chief Inspector.

Inclosed with this please find a copy of the April issue of Mother Earth, published at New York, by Emma Goldman and submitted to this Office by the postmaster at San Francisco.

Attention is invited to the marked advertisements which indicate a violation of Section 480, Postal laws and Regulations. Will you please place the latter in the hands of an inspector for investigation?

*W. H. Lamar*  
Solicitor.

Inclosure.

## The Emma Goldman Papers

[Letter] 1917 May 10 [Washington, D.C. to Gay] Postmaster [Post Office Department], San Francisco / W[illiam] H. Lamar, Solicitor [Post Office Department].—  
1 p. ; 34 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar acknowledges receipt of the San Francisco postmaster's request for an opinion on the mailability of the April issue of *Mother Earth*.

**Notes:** Broken type. Reply to 811283001.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46547-W

May 10, 1917.

Postmaster,  
San Francisco, California.

Receipt is acknowledged of your communication of the 18th ultimo, submitting a copy of *Mother Earth*, published in New York City by Emma Goldman, with objectionable matter contained therein.

The matter referred to will have proper attention.

(Signed) W. H. LAMAR

Solicitor.

# The Emma Goldman Papers

[Letter] 1917 May 10, Washington [D.C. to] Bureau of Investigation, Department of Justice, [Washington, D.C.] / W[illiam] H. Lamar, Solicitor, Post Office Department. — 1 p. ; 24 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Lamar asks the Bureau of Investigation to look at selected anti-conscription articles in the April 1917 issue of *Mother Earth*.

Notes: Broken type; barely legible.

L-46547-8

Post Office Department  
OFFICE OF THE SOLICITOR  
Washington

MAY 12 1917  
BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE  
May 10, 1917.

Department of Justice,  
Bureau of Investigation.

I invite your attention of the April, 1917, issue of *Mother Earth*, published at New York City by Emma Goldman. I am unable to send you a copy of the issue. On page 41 is an article entitled

"WHY YOU SHOULDN'T GO TO WAR, REFUSE TO KILL OR TO BE KILLED"  
By Ben L. Reitman, Ed.

On page 64 is an advertisement which is as follows:

"ARE YOU REALLY OPPOSED TO THE WAR?"  
"This is the Hour to do Anti-military Propaganda"  
By Emma Goldman, Price 5¢.  
"PREPAREDNESS the Road to Universal Slaughter"  
Price 5¢  
"ANTI-PATRIOTISM" By Gustav Kerve  
Price 10¢  
"War; What For? By George Kirkpatrick  
Price 35¢ (postage 10¢)

W. H. Lamar  
Solicitor.

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# The Emma Goldman Papers

[Telegram] 1917 May 11, Washington [D.C. to] William D. Stephens, Governor, Sacramento, Calif. / Woodrow Wilson [President]. — 1 p. ; 33 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: President Wilson urges the governor of California to commute or suspend the sentence of Mooney for reasons of foreign affairs.

Notes: Upper document only. For reply, see 870204001.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

General Records of the Department of Justice  
Central Files

Straight Numerical File, Number 185354-43½

TELEGRAM.

COPY

The White House,  
Washington.

May 11, 1917

Hon. William D. Stephens,  
Governor,  
Sacramento, California.

I hope that in view of certain international aspects which the case has assumed you will not deem me impertinent or beyond my right if I very warmly and earnestly urge upon you the wisdom and desirability of commuting the sentence of Mooney or at least suspending its execution until the charges of perjury lodged against the witnesses in the case are judicially probed to the bottom. Such an action on your part would I can assure you have the widest and most beneficial results and greatly relieve some critical situations outside the United States.

WOODROW WILSON

TELEGRAM.

COPY

The White House,  
Washington.

Sacramento, Calif., May 11, 1917.

THE PRESIDENT.

Replying your wire of today Mooney sentence stayed indefinitely by appeal pending in state supreme court subordination of perjury charges now pending in superior court.

Wm. D. Stephens,  
Governor.

# The Emma Goldman Papers

[Telegram] 1917 May 11, Sacramento, Calif. [to Woodrow Wilson] President, [Washington, D.C.] / W[illia]m D. Stephens, Governor. — 1 p. ; 33 × 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: California Governor Stephens informs President Wilson that Mooney's sentence has been stayed pending an appeal.

Notes: Broken type. Lower document only. Reply to 810826002. For Wilson's reply, see 810826003.

**C O P Y**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

General Records of the Department of Justice  
Central Files  
Straight Numerical File, Number 185354-43 1/2

**TELEGRAM.**

COPY

**The White House,**  
**Washington.**

May 11, 1917

Hon. William D. Stephens,  
Governor,  
Sacramento, California.

I hope that in view of certain international aspects which the case has assumed you will not deem me impertinent or beyond my rights if I very warmly and earnestly urge upon you the wisdom and desirability of commuting the sentence of Mooney or at least suspending its execution until the charges of perjury lodged against the witnesses in the case are judicially probed to the bottom. Such an action on your part would I can assure you have the widest and most beneficial results and greatly relieve some critical situations outside the United States.

WOODROW WILSON

**TELEGRAM.**

COPY

**The White House,**  
**Washington.**

Sacramento, Calif., May 11, 1917.

THE PRESIDENT.

Replying your wire of today Mooney sentence stayed indefinitely by appeal pending in state supreme court subordination of perjury charges now pending in superior court.

Wm. D. Stephens,  
Governor.

# The Emma Goldman Papers

[Letter] 1917 May 14, Washington [D.C. to] William D. Stephens, Governor, Sacramento, Calif. / Woodrow Wilson [President]. — 1 p. ; 28 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** President Wilson thanks Governor Stephens for his letter.

**Notes:** Reply to 870204001.

**COPY**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

General Records of the Department of Justice  
Central Files  
Straight Numerical File Number 185354 - 43  $\frac{1}{2}$

COPY

THE WHITE HOUSE,  
WASHINGTON.

14 May, 1917

My dear Governor Stephens:

May I not express my obligations  
to you for your kind telegram of May eleventh?  
It relieves a rather serious anxiety.

Cordially and sincerely yours,

WOODROW WILSON.

Hon. William D. Stephens, Governor,  
Sacramento, California.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** The Trenton postmaster requests the assistant postmaster general to see if the enclosed printed matter should be withheld from the mail.

**Notes:** Lower document only. Enclosed with 810128117.

28

Case No. 61250-8

## Washington

Respectfully referred to the

INSPECTOR IN CHARGE,

NEW YORK, N.Y.

578

5-5767

CHIEF INSPECTOR.

# States Post Office

TRENTON, N. J.

Chief Inspector

May 15, 1917.

Hon. First Asst. P. M. General,  
Washington.

415

Inviting your attention to enclosed printed matter, being distributed through the mails. It savors pretty strongly of Disloyalty.

# Respectful

Postmaster

Александров

161 1917

May 19 1917

91

# The Emma Goldman Papers

[Letter] 1917 May 17, New York [to] H. Snowden Marshall, United States Attorney [Department of Justice], New York / E[dmund] Honvory, Inspector, Post Office [Department].— 1 p. ; 33 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Honvory ask Marshall whether the April 1917 issue of *Mother Earth*, especially Reilman's anti-conscription article and advertisements for books on women's sexuality, violate federal criminal law.

Notes: Broken type. For reply, see 810128163.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

"Mother Earth." ~~Emma~~ Goldman, publisher and editor.

E. Honvory,

GEM

NEW YORK.....

New York, N. Y., May 17, 1917.

Hon. H. Snowden Marshall,  
United States Attorney,  
New York, N. Y.

Sir:-

I have the honor to submit herewith for your consideration the April number of "Mother Earth," a monthly magazine published and edited by Emma Goldman, 20 East 125th Street, inviting your attention to the article "Why you should not go to war- refuse to kill or be killed" by Dr. Ben L. Reitman and the advertisement commencing on page 61 relative to literature on sex information.

The pamphlet in question has been informally submitted to your assistant Mr. H. A. Content and I now request that I be advised whether in your opinion the mailing of this pamphlet, evidence of which is in my possession, constitutes a violation of Section 211 of the Criminal Code.

Kindly return the exhibits with your reply.

Very respectfully,

Post Office Inspector.

BEST COPY AVAILABLE



## The Emma Goldman Papers

Speech [against conscription] Harlem River Casino, New York / [Emma Goldman].  
— 1917 May 18 [government transcript]. — 9 p. ; 28 x 22 cm.

Obtained from the Immigration and Naturalization Service via FOIA.

Summary: A New York City police stenographer supplies a transcript of Goldman's May 18, 1917, anti-conscription speech to use as evidence at Goldman's 1917 trial and later at her deportation hearing. Goldman argues that the American people should not fight a war for the interests of the capitalists.

Notes: Enclosed with 880606105. Submitted as Exhibit 31 at 1917 trial, see 810206005. Submitted as Exhibit 17 at 1919 deportation hearing, attached to 830214180.

SPEECH BY EMMA GOLDMAN IN HARLEM RIVER CASINO, 127th STREET,  
9:45 P.M., May 18, 1917.

---oOo---

We don't believe in co nscription, this meeting tonight being a living proof. This meeting was arranged with limited means. So, friends, we who have arranged the meeting are well satisfied if we can only urge the people of entire New York City and America, there would be no war in the United States- there would be no conscription in the United S tates- (applause)- if the people are not given an opportunity to have their say. Therefore, we hope at least that a small portion of the population of New York City tonight is having its say.

456 Friends, what I have to tell you tonight I want to impress upon your minds with all the intensity of my being, that we have with us people who came to break up this meeting, and therefore, friends, I ask you, friends, in the name of peace, in the name of freedom, and all that is dear to you, to be perfectly quiet, and when the meeting is over to leave the hall quietly, for that is a better argument t han by the provocators who came here tonight to break up the meeting. Therefore, friends, I repeat once more, that after our speakers will be through, I hope you will leave the hall quietly, and, if t here is the slightest trouble, we will hold the troublemakers, t he provocators and the police responsible for the trouble (applause).

457 Friends, I know perfectly well that tomorrow morning the daily papers will say that the German Kaiser paid for this meeting. I know that they will say that those employed in the German service have arranged this meeting. But there is all of us, friends, who have something serious at hand- those of us to whom liberty is not

## The Emma Goldman Papers

830214180

Speech [against conscription] Harlem River Casino, New York / [Emma Goldman].  
— 1917 May 18 [government transcript]. — 9 p. ; 28 x 22 cm.

Obtained from the Immigration and Naturalization Service via FOIA.

Summary: A New York City police stenographer supplies a transcript of Goldman's May 18, 1917, anti-conscription speech to use as evidence at Goldman's 1917 trial and later at her deportation hearing. Goldman argues that the American people should not fight a war for the interests of the capitalists.

Notes: Enclosed with 880606105. Submitted as Exhibit 31 at 1917 trial, see 810206005. Submitted as Exhibit 17 at 1919 deportation hearing, attached to 830214180.

- 2 -

a mere shadow- and found to be celebrated on the 4th of July, and to be celebrated with fire crackers- that we will not only speak for it, but die for it if necessary (applause).

We are concerned in our own conscience, and we know that the meeting tonight has been arranged by working men and working women, who probably gave their last cent from their wages which the capitalistic regime is granting them.

And so, friends, we do not care what people will say about us, we only care for one thing, and that is to demonstrate tonight and to demonstrate <sup>long as</sup> ~~as~~ we can be able to speak, that when America went into war, ostensibly for the purpose of fighting for democracy - because it is a dastardly lie - it never went into war for democracy. If it is true that America went into war in order to fight for democracy- why not begin at home? We need democracy (applause). We need democracy even more than Germany, and I will tell you why. The German people were never brought up with the belief that they lived in ~~democracy~~ democracy. The German people were nursed from their mothers' breasts that they were living in liberty and that they had all the freedom they desired. Therefore, the German people are not disappointed in the Kaiser. They have a Kaiser, the kind of a Kaiser they want and are going to stand for.

43  
wht 10/1/19  
We in America have been brought up, we have been told that this is a free Republic. We have been told that free speech and free press and free assembly are guaranteed by the Constitution. Incidentally, friends, the only people who still believe in the Constitution are you poor fools for the other fellows (applause). We are rather disappointed. When suddenly, out of the clear sky, a few months after

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-3-

we have been told he kept us out of war- we are now told he drew us into war. (applause)

We, who came from Europe, came here looking to America as the promised land. I came believing that liberty was a fact. And when we today resent war and resent conscription, it is not that we are foreigners and don't care, it is precisely because we love America and we are opposed to war. (applause)

My friends, when I say we love America, I wish you to remember that we don't love the American Wall Street, that we don't love the American Morgan, that we don't love the American Rockefeller, we don't love the American Washington, we don't love the American ammunition manufacturers, we don't love the American National Security League-- for that America is Russia transferred to America. (applause).

458  
6/1/19  
JPM

We mean the America of Wendell Phillips, we mean Emerson, we mean America of great pioneers of liberty. We mean writers, and great men and women, who have fought for years to maintain the standard of effort. I, for one, am quite willing to stand up face to face with patriots every night- patriots blind to the injustice committed in this country- patriots who didn't care a hang. We are willing to stand up and to say to them: "Keep your dirty hands off America." You have no right to tell the people to give their lives in behalf of democracy, when democracy is the laughing stock before all Europe. And therefore, friends, we stand here and we tell you that the war which is now declared by America in the last six weeks is not a war of democracy and is not a war of the urging of the people. It is not a war of economic independence. It is a war

## The Emma Goldman Papers

830214164

Speech [against conscription] Harlem River Casino, New York / [Emma Goldman].  
— 1917 May 18 [government transcript]. — 9 p. ; 28 x 22 cm.  
Obtained from the Immigration and Naturalization Service via FOIA.  
Summary: A New York City police stenographer supplies a transcript of Goldman's May 18, 1917, anti-conscription speech to use as evidence at Goldman's 1917 trial and later at her deportation hearing. Goldman argues that the American people should not fight a war for the interests of the capitalists.  
Notes: Enclosed with 880606105. Submitted as Exhibit 31 at 1917 trial, see 810206005. Submitted as Exhibit 17 at 1919 deportation hearing, attached to 830214180.

for conquest. It is a war for military power. It is a war for money. It is a war for the purpose of trampling under foot every vestige of liberty that you people have worked for, for the last forty or thirty or twenty-five years and, therefore, we refuse to support such a war- (Hurray-- applause).

We are told, friends, that the people want war. If it is true that the American people want war, why not give the American people a chance to say whether they want war. Friends, we were told that the American people have a chance to say whether they want war through Congress and through the Senate. Congress is in the hands of those who pull the string. It is a jumping jack. (applause)

Friends, in Congress there are a few men in the Senate (mentioning some names) who wanted to keep America out of war. They have been hounded and persecuted and abused and insulted and degraded because they stood up for a principle. And so it was not true that the people of America have a chance to express its views. It was impossible, because each Congressman and each Senator is taken into a private room where spiritualistic mediums are being used, and they are mesmerized and massaged until every revolutionary fibre is out of them, and then they come out and do as they're told by the administration in Washington.

459  
The same is true about conscription. What chance have you men, to say, if you men are to be conscripted. It took England eighteen months- a monarchy- to decide whether she shall have conscription. Up on the people born under a free sky- conscription has been imposed upon you. You cannot have democracy and have compulsory military training. You have become Russia. (applause)



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Friends, I suggest that Wall Street and the military powers invite the Russian Czar to America- he belongs here,- and tell them how to deal with the revolution, with the anti-militarists- the Czar ought to know, he handled them. He used every method in his power in order to subdue all human beings. But he succeeded- I should say not. He is now sitting in his palace, that the revolution may go a little further. (applause) Americans evidently are working for the Czar. We already have the beginning of the Czar, who wants to employ all of the liberties of the American people.

Now, friends, do you suppose for one minute that this Government is big enough and strong enough and powerful enough to stop men who will not engage in the war because they don't want the war, because they don't believe in the war, because they are not going to fight a war for Mr. Morgan? What is the Government going to do with them? They're going to lock them up- You haven't prisons enough to lock up all the people. (applause)

We believe in violence and we will use violence. Remember, friends, that the very Government which worships at the altar of the Christian religion, that this very Government knows perfectly well, that they attempted to silence them. And so, if it is their intention to make us quiet, they may prepare the <sup>noise</sup> news, they may prepare the gallows, they may build more prisons- for the spread of revolt and conscience. (applause)

How many people are going to refuse to conscript, and I say there are enough. I would count at least 50,000, and there are enough to be more, and they're not going to when only they're conscripted. They will not register. (applause)

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107-119  
W.H.R.



## The Emma Goldman Papers

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I realize perfectly, that it is possible to gather up 50 and 100 and 500 people- and what are you going to do if you have 500,000 people? It will not be such an easy job, and it will compel the government to sit up and take notice and, therefor, we are going to support, with all the means at our support with money and publicity- we are going to support all the men who will refuse to register and who will refuse to fight. (applause)

We want you to fill out these slips and as you go out drop them into the baskets at the door. We want to know how many men and women of conscriptive age- and they're going to take women and not soldiers. It is the same thing as if you fight in the war. Don't let them tell you that they will send you to the farm. Every stroke of what you do you are supporting the war, and the only reply that you can make against the war is that you are making men- that you are busy fighting your internal enemy, which is the capitalistic class. (applause)

I hope that this meeting is not going to be the first and last. As a matter of fact, we are planning something else.

Friends, listen, think of it. Not only are you going to be compelled-coerced- to wear the soldiers uniform, but on the day when you have to be educated to the monster war, on the day when it will be decided that you shall be driven into the trenches and battlefield, on that day we are going to have a demonstration (applause), but be careful whom (applause)- you might bury yourself and not the working class (applause). We will have a demonstration of all the people who will not be conscripted and who will not register. We are going to have the largest demonstration this city has ever seen, and no power on earth will stop us.

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# The Emma Goldman Papers

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I will say, in conclusion, that I, for one, am quite willing to take the consequences of every word I said and am going to say on the stand I am taking. I am not afraid of prison—I have been there often. It isn't quite so bad. I am not afraid of the authorities— I have dealt with them before— and rather, they have dealt with me, and am still living and stand here before you. I am not afraid of death. I would rather die the death of a lion than live the life of a dog. (applause)

For the cause of human liberty, for the cause of the working class, for the cause of men and women who live and till the soil— if I am to die for them, I could not wish a more glorious death ever in my wildest dreams. And so, patriots, and police, and gentlemen, who represent wealth and power, help yourself— you cannot stop the revolutionary spirit. It may take as long as one year or two. You cannot do it, because the spirit of revolution has a marvelous power of liberty. It can break through bars— it can go through safely. It can come out stronger and braver. If there is any man in this hall that despairs— let's look across Russia— let's look across (applause), Als— who was tortured by the Russian soldiers, who never believed that she would see Russia and see her people alive, and yet see the wonderful thing that revolution has done. It has thrown the Czar and his clique and his ever staunch henchmen into prison. It has opened Siberia and all the dungeons, and the men and women are going to be free. They are not going to be free according to American democracy (applause)

Friends, I insist it is a good place for them in Russia. Let's go back home tomorrow. So, friends, don't be afraid. Take this

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marvelous meeting, take this wonderful spirit, and remember that you are not alone- that tonight, in every city, in every hamlet and in every village and town, there are hearts beating that they don't want war, that they don't want conscription- that they are not going to be conscripted.

The ruling classes fight a losing game. The Wall Street men are fighting a losing game. They represented the past and we represent the future. (applause)

The future belongs to the young men, who are barely of age and barely realizing their freedom. The future belongs to the young girls and young boys. They must be free from militarism. They must be free from the military yoke. If you want war, help yourself. Fight your own battle. We are not going to fight it for you (applause)

So, friends, it is our decision tonight. We are going to fight for you, we are going to assist you and co-operate with you, and have the grandest demonstration this country has ever seen against militarism and war. What's your answer? Your answer to war must be a general strike, and then the governing class will have something on its hands.

So, friends, before I close, I want to make an appeal to you. I want to make you know that this meeting sprang simultaneously from a group of people. It cost money and therefore I ask you to contribute as much as you can. I wish to say that Mother Earth is opening pledges with \$50. I hope that those who can do so will do so. We want to have money, we want to have more literature,

463  
by 1/10/19  
WLM

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## The Emma Goldman Papers

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we want to have a demonstration, and we want to prove that with  
little money, no public support, with no militia, with no soldiers,  
we can support the point of real freedom and liberty and brother-  
hood.

(Finished speaking about 10:15 P.M.)

464

Ms. A. 9.2.1.1.4

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Notes:** Upper document only. For attached request, see 870209000.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

Case No. 61250-5

Respectfully referred to the

INSPECTOR IN CHARGE.

NEW YORK, N. Y.

578

5-5757

CHIEF INSPECTOR.

TRENTON, N. J.

Chief Inspector

May 15, 1917.

Hon. First Asst. P. M. General,  
Washington.

Inviting your attention to  
enclosed printed matter, being  
distributed through the mails.  
It savors pretty strongly of  
Disloyalty.

Respectfully,

## Postmaster

*6170 New York City  
170 New York City  
170 New York City  
170 New York City*



# The Emma Goldman Papers

[Letter] 1917 May 21, New York [to] Edmond Honvery, Inspector, P[ost] O[ffice] Department], New York / H. Snowden Marshall, United States Attorney, Department of Justice. — 1 p. ; 36 × 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Marshall advises Honvery that the articles in the April 1917 issue of *Mother Earth* on anti-con-  
scription and on sex do not support a criminal prosecution.

Notes: Reply to 810128121.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

H A C -

United States Attorney's Office

FM

15268

New York

May 21, 1917.

Edmond Honvery, Esq.,  
P. O. Inspector,  
New York, N. Y.

S i r :

I beg to acknowledge receipt of your favor of the 17th inst., relative to an alleged violation of Section 211 of the United States Criminal Code in the mailing of a publication known as "Mother Earth", edited and published by Emma Goldman, especially with reference to an article by Ben L. Reitman entitled "Why You Should Not Go To War -- Refuse To Kill Or To Be Killed", and an advertisement commencing on page 61 relative to literature on sex information.

After careful consideration, I am of the opinion that the articles contained in this issue of the aforementioned publication are not such as to make it advisable to institute criminal proceedings.

I return herewith the exhibit which accompanied your communication.

Respectfully,

*H. Snowden Marshall*  
U. S. Attorney.

(Enclosure)

**EXPLANATORY NOTE  
BUREAU OF INVESTIGATION AGENT REPORTS,  
MAY 22, 1917**

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The following document is the first of the Bureau of Investigation's agent reports to appear in the collection. The Bureau's name does not appear on the form, but it may be readily recognized by its format. Across the top of the form, from left to right, are spaces for the author's name, the place where the report was written, the date the report was written, and the date the events occurred. Underneath is a space for the title of the case.

These reports are placed in the microfilm according to the date the agent wrote the report, even when the events described took place many days earlier.

A date stamp of the Military Intelligence Division of the War Department appears on some of these reports because the Bureau of Investigation circulated copies of their reports to other agencies. These reports did not originate within the War Department.

The handwritten number which appears across the top of most of these reports indicates the Bureau of Investigation's file number, still used by the National Archives. For example, Emma Goldman's file number is 15446 and the Mother Earth number is 6396.

Virtually all of the Bureau of Investigation reports begin on page two. When the National Archives filmed the Bureau's early records, page one, the cover page, was not retained.

# The Emma Goldman Papers

[Agent Report] In re: Ben Reitman—European Neutrality Matters, Chicago, 1917  
May 22 / Hinton G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Clabaugh submits a Burns Detective Agency report, which gives Reitman's home address and telephone number in Chicago.

**Notes:** Barely legible. For related document, see 811222044.

Chicago, Illinois

Ben Reitman (aka, W. file)

European Neutrality Matters

May 22, 1917

Chicago, Illinois

Attention is respectfully invited to the following agent's report submitted to this office by The William W. International Detective Agency, Inc., dated Chicago, May 22, 1917:

Chicago Investigator No. 105 reports:

On instructions from Manager D. A. Co., I called on the phone Mrs. Ida Hildesheimer at the home of her son, Louis Reitman, 3400 S. Pauline St. Louis is a brother of Ben Reitman, the noted anarchist and paragon of Emma Goldman. Louis Reitman informed me that his mother and brother are residing at 3628 E. 1st Ave. their telephone number being Chicago 6625.

I called up that number and was informed by Mrs. Hildesheimer that Ben and Louis were in the evening and had not yet returned.

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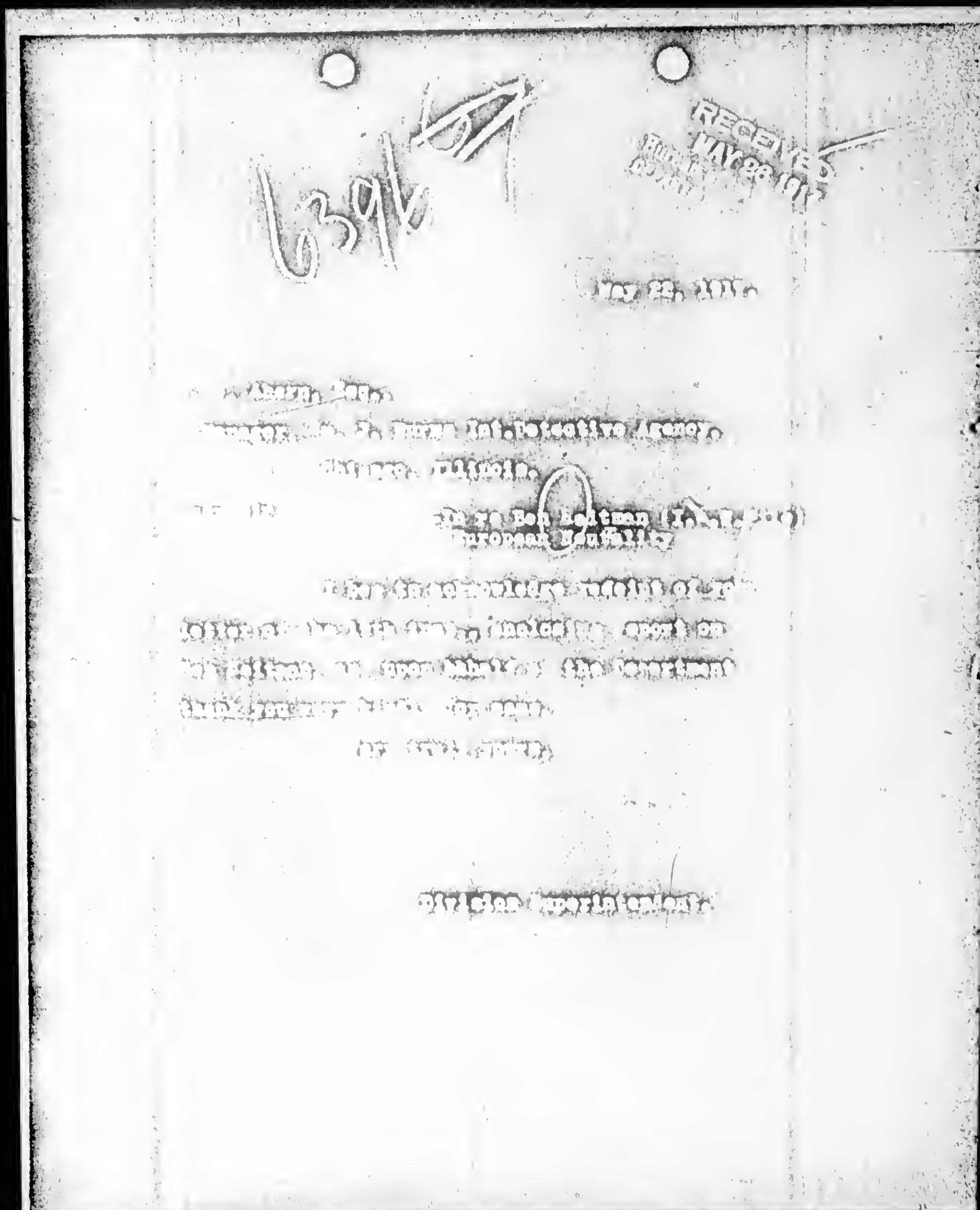
# The Emma Goldman Papers

[Letter] 1917 May 22 [Chicago to] D.W. Ahern, Manager, Burns Detective Agency, Chicago / [Hinton G. Clabaugh] Division Superintendent [Bureau of Investigation, Department of Justice].— 1 p. ; 25 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Clabaugh thanks the manager of the Burns Detective Agency in Chicago for sending a report on the whereabouts of Reitman.

**Notes:** Light copy; barely legible. For related document, see 811222045.



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# The Emma Goldman Papers

Daily Report of Agent, Secret Service, Baltimore District, 1917 May 23 / Cha[rle]s E. Wright, Operative in Charge, Secret Service, Treasury Department. — 2 p. ; 23 × 18 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 87.  
 Summary: Wright reports that someone turned in one of Goldman's political circulars.  
 Notes: Dark copy; barely legible.

TREASURY DEPARTMENT.  
 May 23, 1917.  
 BALTIMORE - P. O. July 12-13

DAILY REPORT OF AGENT.

## United States Secret Service,

Baltimore District.

The Chief,

United States Secret Service,

Treasury Department.

Sir:

I have the honor to submit the following, my report as  
 Operative of this District, for Tuesday the  
 23d day of May, 1917, written at Baltimore, Md.,  
 and completed at 9 o'clock A. M. on the 23d day  
 of May, 1917.

In Baltimore, Md.

At office at 9:00 A.M. Agent Kavanagh present. At 1:00 P.M.  
 Chas. E. Wright Jr., musical director of the Garden Theatre called  
 and surrendered a letter addressed "Orchestra Leader, Garden The-  
 tre, Baltimore, Md., and Postmaster, New York, N.Y.", containing  
 a circular issued by the "Mother Earth", edited by Emma Goldman,  
 400 East 126th St., New York, N.Y., which I am attaching hereto for  
 your information. At 1:30 P.M. Mr E. Belitz representative of the  
 H.M. Adler Co., paper box manufactures, 455 S. Sharp St., City, cal-  
 led and surrendered a letter which was addressed to his firm, con-  
 taining a letter addressed to "Hon. Joseph P. Tamm, White House  
 Washington, D.C." with following inclosure:—"Woodrow Wilson the  
 biggest Traitor since Judas Iscariot". Mr Belitz could not give any

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 Obtained from the United States National Archives. Institutional Location: Record Group 87.  
 Summary: Wright reports that someone turned in one of Goldman's political circulars.  
 Notes: Dark copy; barely legible.

(2)  
 explanation as to where the letter came from or who might be the sender. I am attaching the letter hereto.

Agent Kavanagh reports in substance as follows:

In Baltimore, Md.,

At office at 9:00 A.M., here engaged until 5:00 P.M., then discontinued for the day.

The following are my charges for services rendered and expenses incurred this day.

Charges:

Transportation.....0.00

Subsistence.....0.00

Incidentals.....0.00

Agent's Kavanagh's expenses:

Subsistence.....\$4.00

Services.....5.00

Services.....self.....7.00

Respectfully submitted,  
*Chas. C. Wright*  
 Operative in Charge.

*for J. A. K.*

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## The Emma Goldman Papers

[Letter] 1917 May 24, New York [to] William E. Cochran, Inspector in Charge, Post Office Department, New York / Edmund Honvery, Inspector, Post Office Department.  
- 1 p.; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Postal Inspector Honvery sends the April 1917 issue of *Mother Earth* to the inspector in charge in New York and recommends that he encourage the Department of Justice to act, even though the United States attorney in New York recommended against prosecution.

Notes: For reply, see 810618027. For solicitor's letter mentioned, see 810128162. For United States attorney's letter mentioned, see 810128163.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

Subject: New York, N. Y. "Mother Earth", Emma Goldman, editor and publisher.

CASE NO. 61250-E.

Post Office Department

OFFICE OF INSPECTOR

E. Honvery.  
Inspector

New York . . . DIVISION

New York, N. Y., May 24, 1917

REPORT EXAMINED. APPROVED AND  
FORWARDED TO CHIEF INSPECTOR.

MAY 24 1917

The Inspector in Charge,  
New York, New York.

Inspector in Charge Division.

The above numbered case relates to an alleged violation of Section 480, Postal Laws and Regulations, 1913, in connection with the mailing at New York, New York, of the April issue of "*Mother Earth*", a monthly paper edited and published by Emma Goldman, New York, New York. In requesting an investigation of this case, the Solicitor for the Post Office Department calls special attention to certain advertisements of books on the subject of sex information.

The pamphlet in question was submitted to the United States Attorney, New York, New York, for his consideration as to the advisability of instituting criminal proceedings and attention is invited to his reply dated May 21, 1917, advising against such action.

As this issue, however, contains articles of apparently anarchistic and treasonable character, the case is returned herewith with the recommendation that the activity of Emma Goldman be brought to the attention of the Department of Justice for such action as may be deemed advisable.

E. Honvery.  
Inspector.

## The Emma Goldman Papers

[Letter] 1917 May 25, Washington [D.C. to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, [Washington, D.C.] / John A. Moffitt, Chief 4115, Department of Labor. — 1 p. ; 26 × 20 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Moffitt sends Bielaski two anti-conscription pamphlets.

**Notes:** Light copy; portions illegible. For enclosures, see 870204000 and 870220000.

DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY  
WASHINGTON

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# The Emma Goldman Papers

[Letter] 1917 May 25, New York [to unknown recipient] / Emma Goldman.—  
1 p.; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Goldman solicits financial and moral support for the newly organized No Conscription League and describes its activities.

Notes: Enclosed with 810618037, 870210002, 870210003, 870220001, 870220002 and 880603006. Used as prosecution's exhibit 4 at 1917 anti-conscription trial, see 810206005.

LEONARD D. JOY, Sec'y  
M. - FITZGERALD, Fin. Sec'y

## NO-CONSCRIPTION LEAGUE

20 EAST 125TH STREET

NEW YORK

TELEPHONE HARLEM 6194  
OFFICE CLERK OF STAFF  
WAR COLLEGE

810101-2161

Conscription  
Objector  
Vint



WE oppose conscription because we are internationalists, anti-militarists, and opposed to all wars waged by capitalistic governments.

WE will fight for what we choose to fight for; we will never fight simply because we are ordered to fight.

WE believe that the militarization of America is an evil that far outweighs, in its anti-social and anti-libertarian effects, any good that may come from America's participation in the war.

WE will resist conscription by every means in our power, and we will sustain those who, for similar reasons, refuse to be conscripted.

Dear Friend:

May 25, 1917.

We are sure that you are interested in the anti-war agitation. You cannot fail to realize that the patriotic clap-trap which is now propagated on such a huge scale by the press, the pulpit and the authorities only represents a desperate effort to blind the people to the real issues confronting them. The main issue now is the Prussianizing of America.

Already America has demonstrated its autocratic tendencies in passing the Conscription Bill without making even the slightest proviso for conscientious objectors to human slaughter. There are thousands of men who will not under any circumstances allow themselves to be conscripted. First, they consider all wars a fight between thieves who are too cowardly to do their own fighting, hence force the masses to do the cruel thing for them. Secondly, they will not be conscripted because they refuse to be coerced into taking human life at the behest of their masters. Something must be done to sustain these men to whom the Ideal of Liberty and Human Solidarity is not a mere phrase, but a vital, living fact.

With that in view, we have organized the NO-CONSCRIPTION LEAGUE. Its first public activity took place on Friday evening, May 18th - a mass meeting attended by 8000 men and women who pledged their decision not to register or to be conscripted into killing. It was an inspiring demonstration and so tremendous in its scope that all the dailies were stirred from their usual attitude of silence.

More than any other government, perhaps, the Washington authorities are very sensitive to publicity and criticism, especially on the part of those who can reach large sections of the people both here and abroad. The American government cannot afford to have the world know that, while it pretends to be interested in democracy and to fight against Prussianism in Germany, it is at the same time Prussianizing America. We therefore feel that the agitation of the League, energetically started in New York and undoubtedly spreading over the whole country, will create sufficient sentiment to morally compel the authorities to recognize conscientious objectors.

Realizing this, we appeal to you for moral and financial support to enable us to carry on an effective campaign by means of meetings, (A Mothers' No-Conscription Demonstration to take place on the eve of registration day, June 4th, has already been arranged) manifestos and, above all, through the channels of MOTHER EARTH and THE BLAST. We consider this campaign of the utmost importance at the present time, and we feel confident that you will not withhold us your immediate generous support. Send your contribution at your earliest convenience.

Cordially,

NO-CONSCRIPTION LEAGUE has published 25,000 manifestos, which is enclosed.

U.S. War Dept. Office  
Western Department

WIN 2-1917

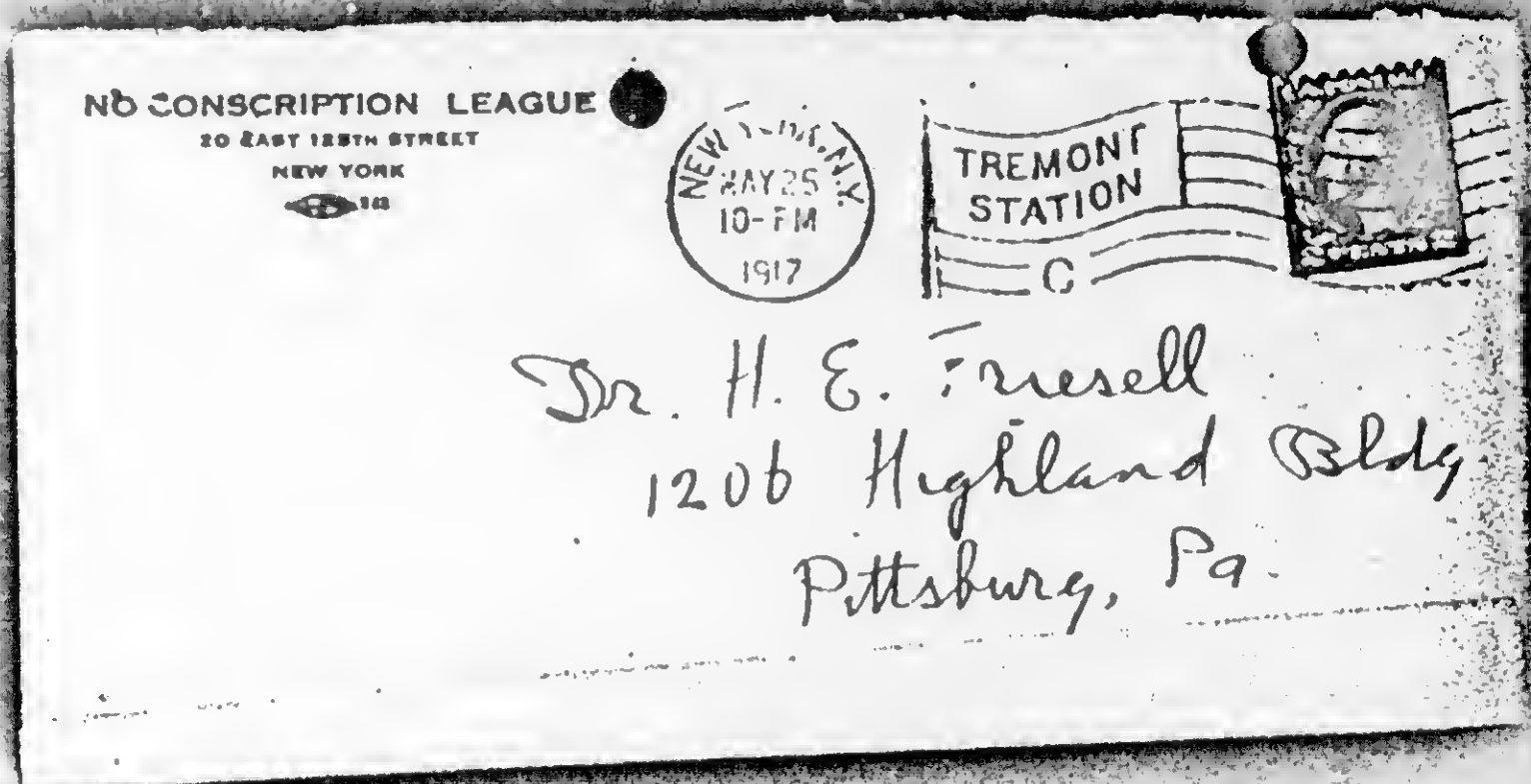
BEST COPY AVAILABLE

# The Emma Goldman Papers

[Envelope] 1917 May 25, New York [to] H.E. Friesell, Pittsburg[h] Pa. / No Conscription League. — 1 p. ; 10 × 17 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** For enclosures, see 870210001 and 870210002. Enclosed with 810618037.



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# The Emma Goldman Papers

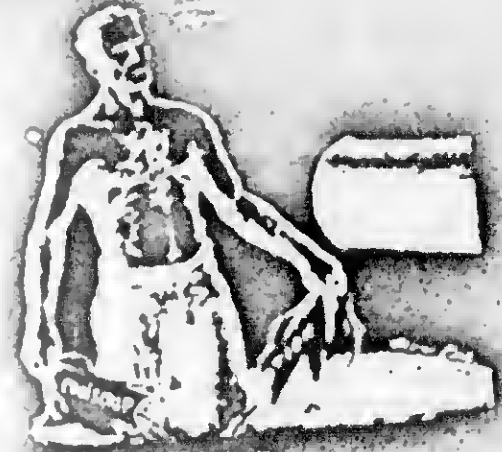
[Letter] 1917 May 25, New York [to unknown recipient] / Alexander Berkman. — 1 p.; 29 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Berkman solicits financial and moral support for the newly organized No Conscription League and describes its activities.

**Notes:** Light copy; portions illegible. Enclosed with 880603010, 880603017, and 870220001. For same letter signed by Goldman, see 870210001. Introduced as Exhibit 4 at 1917 trial, see 810206005.

## NO CONSCRIPTION LEAGUE 20 EAST 125TH STREET NEW YORK



May 25, 1917.

WE are a new organization, organized for the purpose of opposing the conscription law. We will fight for the right of every man to refuse to fight in a war which is not his own. We believe that the introduction of America into the European war is a national and international disaster. We are a small organization, but we are growing rapidly. We are a small organization, but we are growing rapidly.

Sincerely,  
*Alexander Berkman*

880603011  
12546

NO CONSCRIPTION LEAGUE  
20 EAST 125TH STREET  
NEW YORK

# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—German Activities, New York, 1917 May 26 / Emma Jentzer [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Jentzer observed the anti-conscription meeting of May 18, 1917, at the Harlem River Casino. She describes the meeting and reports that the speakers were careful not to break the law.

Report Form No. 1

REPORT MADE BY: Emma Jentzer.	PLACE WHERE MADE: New York, N. Y.	DATE WHEN MADE: May 26, 1917	PERIOD FOR WHICH MADE: MAY 31 1917
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN		BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, DATA AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC. <u>At New York, N. Y.</u>			
<p>Pursuant to instructions of Assistant Division Superintendent Baker, with Agents Jentzer and Pignuolo, proceeded to Sulzer's Harlem River Casino, 127th Street and First Avenue, at 8:30 P. M., where Emma Goldman and several of her fellow anarchists were scheduled to speak against war. As they had a Jewish and an Italian speaker on the program, Mr. Baker wanted us to be present, to ascertain whether they made any remarks against the interests of the United States. The place was overcrowded, people standing in the alley-ways and in the aisles, and Agent Jentzer and I had quite some difficulty in getting to the front near the speakers.</p> <p>Emma Goldman and Mr. Abbott and Mrs. Theodora Donnellan spoke against conscription and the press gag. They, however, were very careful in their manner of speech, as they knew that there were several police officers in the hall. Several of their people went around to collect money, and all the people there seemed to contribute lavishly. They also handed out literature and sold different books on anarchy. We obtained copies of a few. At 11:30 the meeting broke up and we discontinued.</p>			
COPY OF THIS REPORT FURNISHED TO:			

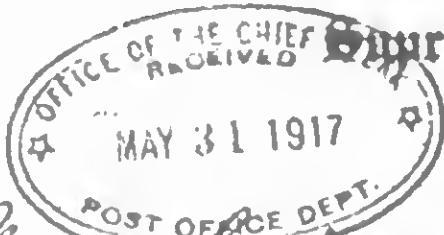
# The Emma Goldman Papers

[Letter] 191[7] May 27, Pittsburgh, Pa. [to Albert S.] Burleson, Postmaster General  
 [Post Office Department], Washington, D.C. / H.E. Friesell. — 1 p. ; 26 × 21 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 65.  
 Summary: Friesell asks the postmaster general to stop mailing the enclosures.  
 Notes: For enclosures, see 880603006, 870210001, and 870210002.

H. E. FRIESSELL, E. S., D. D. S.  
 GRAND RECORDER  
 1206 HIGHLAND BUILDING  
 PITTSBURGH, PA.

ALFRED P. LEE, D. D. S.  
 EDITOR  
 610 PLANKERS BUILDING  
 PHILADELPHIA, PA.

**Pai Omega Fraternity**  
**Supreme Council**



PITTSBURGH, PA.

May 27<sup>th</sup> 1916

Postmaster General Burleson  
 Washington, D.C.

Dear Sir:

It seems to me that it is about time  
 to put a stop to the kind of nonsense indicated  
 in the enclosures.

Yours truly,  
 H. E. Friesell

*Wash*

*free*

# The Emma Goldman Papers

[Letter] 191[7] May 27, New York [to Thomas Watt Gregory] Attorney General  
[Department of Justice, Washington, D.C.] / Morris Clark. — 1 p. ; 24 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Morris Clark urges the attorney general to prohibit distribution of the No Conscription League's circulars.

Notes: For reply, see 880603009.

(5)

Acted 5/31/17

New York May 27 1916  
Attorney General  
Dear Sir

RECEIVED  
MAY 28 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

A copy of the inclosed circular  
was given to me in a  
restaurant on 25th St.

I wrote to the address on  
the same & they sent me  
several more.

It is an outrage that such  
matter is allowed to be distributed  
it is making its mark with  
the working elements & some  
thing should be done to stop it.

Yours truly  
Morris Clark

715 W 180 St

BEST COPY AVAILABLE



# The Emma Goldman Papers

[Letter] 1917 May 28, Washington, D.C. [to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / J.N. Johnston, Acting Chief Inspector, Post Office Department. — 1 p. ; 17 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Johnston sends Bielaski a report written by Postal Inspector Honvery urging action against Reilman's anti-conscription article.

Notes: For enclosures, see 810128121 and 810128163. Response to 810128165.

15-446  
 1  
 Objectionable article, entitled "Why go to war? Refuse to kill or be killed", published by "Mother Earth", New York, New York.

Post Office Department  
 OFFICE OF THE CHIEF INSPECTOR  
 Washington

61250-B.

May 28, 1917.

Mr. A. Bruce Bielaski,  
 Chief, Bureau of Investigation,  
 Department of Justice,  
 Washington, D. C.

RECEIVED  
 MAY 29 1917  
 Bureau of Investigation  
 DEPARTMENT OF JUSTICE

Sir:

Referring to the communication of this office, dated May 19, 1917, transmitting copy of a circular entitled "Why go to war? Refuse to kill or be killed", purporting to have been published by "Mother Earth", New York, New York, I transmit herewith, for your information, copies of a report of Post Office Inspector Honvery, under date of May 24, 1917, and a communication of the United States Attorney, at New York, New York, under date of May 21, 1917, relative to this subject.

Copies of the inspector's report and communication of the United States Attorney, at New York, New York, have also been referred to the Department of State, for its information.

Inspectors' reports are confidential and privileged communications, for official use only, and it is requested that this be so treated.

Respectfully,

J. N. Johnston  
 Acting Chief Inspector

Enclosures.

BEST COPY AVAILABLE



# The Emma Goldman Papers

[Memorandum] 1917 May 28, Washington [D.C. to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / [George M. Sutton] Chief Inspector, Post Office Department. — 1 p. ; 18 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** The chief inspector of the Post Office Department transmits a report of Postal Inspector Honvery regarding the April 1917 issue of *Mother Earth* to the Post Office solicitor.

**Notes:** For related document, see 81061802. For referenced report of Honvery, see 810128165.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

GER-2  
c

Post Office Department  
OFFICE OF THE CHIEF INSPECTOR  
Washington

Case No. 61250-E.

May 28, 1917.

Respectfully referred to the

SOLICITOR, POST OFFICE DEPARTMENT, for his information.

Objectionable articles and advertising in "MOTHER EARTH," published at New York, New York.

Transmitting report of Inspector Honvery, under date of May 24, 1917, with all papers in the case, relative to the above subject.



572

5-6650

# The Emma Goldman Papers

[Letter] 1917 May 29, New York [to William C.] Fitts [Assistant] Attorney General [Department of Justice], Washington, D.C. / H. Snowden Marshall, United States Attorney, Department of Justice. — 5 p. ; 34 x 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Marshall asks Fitts for official instructions on how to proceed against upcoming anti-conscription meeting in New York. He urges harsh measures to set an example.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

J C K -

United States Attorney's Office

FM

15298

New York

May 29, 1917.

The Attorney General,

Washington, D. C.

Attention of Mr. Fitts.

S i r :

Referring again to the propaganda that is being promulgated in this city relative to the Conscription Law, I would like to be advised generally as to the attitude to be assumed by me towards what will doubtless take place in this city between now and June 5th.

On Thursday night, one of the numerous Peace societies has scheduled a meeting at Madison Square Garden at which a number of persons will speak, and which will doubtless be largely attended by anarchists, socialists, etc., and where I have no doubt inflammatory speeches advising against conscription will be made.

On the evening of June 4th, Emma Goldman together with several other anarchists, are scheduled to have a large meeting at a hall in the Borough of

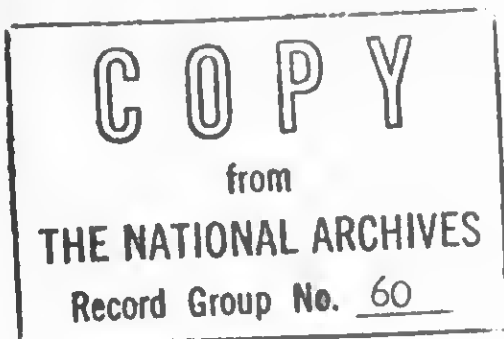
186233-13-6  
JUN 23 P.M.  
FITT'S-HERRON

# The Emma Goldman Papers

[Letter] 1917 May 29, New York [to William C.] Fitts [Assistant] Attorney General [Department of Justice], Washington, D.C. / H. Snowden Marshall, United States Attorney, Department of Justice. — 5 p. ; 34 × 21 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Marshall asks Fitts for official instructions on how to proceed against upcoming anti-conscription meetings in New York. He urges harsh measures to set an example.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

J C K 15298

May 29 1917

The Attorney General 2

Bronx, this city, where utterances similar, and doubtless more inflammatory if possible, to those made at the Madison Square Garden meeting will be given.

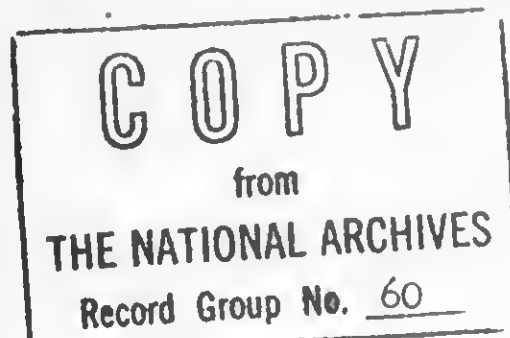
Third Deputy Police Commissioner Dunham called upon my Assistant, Mr. Knox, this afternoon, for the purpose of ascertaining what help, if any, we desire the Police Department to give the Federal authorities by way of enforcing the provisions of the Federal Law. In order that the Police Department may give intelligent co-operation, I am writing to you to obtain in detail just how far you desire me to proceed towards arresting and prosecuting those who I believe do violate the law. If it is the policy of the Department to prosecute those who encourage resistance of registration and conscription, I think that the meeting at the Madison Square Garden and the Goldman meeting at the hall in the Bronx should be covered by stenographers who will take records of what is said, to the end that this office may have evidence upon the prosecution of the case, should prosecution be determined upon. It would be

## The Emma Goldman Papers

[Letter] 1917 May 29, New York [to William C.] Fitts [Assistant] Attorney General [Department of Justice], Washington, D.C. / H. Snowden Marshall, United States Attorney, Department of Justice.— 5 p.; 34 × 21 cm.

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Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

J C K 15298

May 29 1917

The Attorney General 3

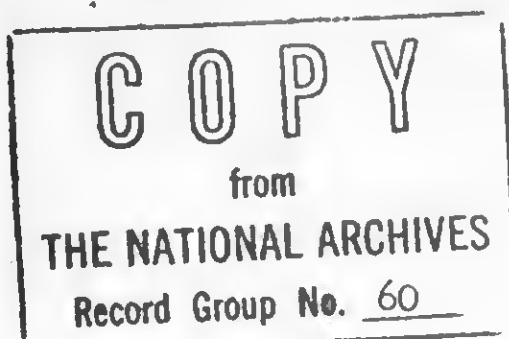
my idea to have arrests made of the persons who do offend against the statutes immediately after they have left the building at which the speeches are made. Police Commissioner Dunham has requested my Assistant, Mr. Knox, to go with him to the Madison Square Garden meeting, and has assured him that his force will co-operate in any way that may seem desirable in the way of making arrests if the Federal law is transgressed. Personally, I am of opinion that those who incite resistance to registration and the draft should be made examples to others of the kind, and severely dealt with. I feel that if the Government assumes a tolerant attitude, it will be construed as an indication of weakness and lack of desire to face an ugly situation. I feel that those who contemplate supporting the draft, and who are in the great majority, should have the encouragement of a rigorous enforcement of the law against all those who for selfish or other reasons see fit to frustrate the plan of the Government. I believe that an exhibition of force at the

# The Emma Goldman Papers

[Letter] 1917 May 29, New York [to William C.] Fitts [Assistant] Attorney General [Department of Justice], Washington, D.C. / H. Snowden Marshall, United States Attorney, Department of Justice. — 5 p. ; 34 × 21 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Marshall asks Fitts for official instructions on how to proceed against upcoming anti-conscription meetings in New York. He urges harsh measures to set an example.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

J C K 15298

May 29 1917

The Attorney General 4

outset will have a salutary effect upon all those who contemplate resistance, and that the ensuing moral support of law-abiding citizens that will thus be gained will be of inestimable value to the Government in carrying out its policies incident to the war.

My Assistant, Mr. Knox, will be at the office tomorrow (Wednesday), where he can receive a telephone call or telegraphic communication as to just what you desire to have done. My only wish is to co-operate in the best manner possible with the policy of the Department; and I have made free to express my views here, believing that a peculiar situation exists in New York, and that a more tolerant policy, which may perhaps be advisable in other sections of the country, is inadvisable here.

If you desire me to have stenographic reports made of the speeches at the above-mentioned meetings, I shall be glad to receive authority to employ competent stenographers to do this work. It

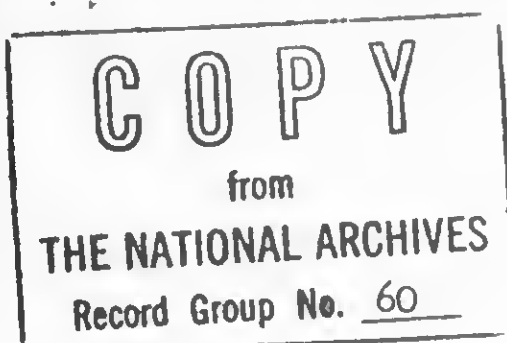


## The Emma Goldman Papers

[Letter] 1917 May 29, New York [to William C.] Fitts [Assistant] Attorney General [Department of Justice], Washington, D.C. / H. Snowden Marshall, United States Attorney, Department of Justice. — 5 p. ; 34 × 21 cm.

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Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

J C K 15298

May 29 1917

The Attorney General 5

is impossible for meto estimate the cost of  
this at this time, but I daresay that I could  
procure some of the court stenographers here  
who would do the work for a reasonable fee.

Respectfully,

*H. Snowden Marshall*  
U. S. Attorney.

# The Emma Goldman Papers

[Letter] 1917 May 29 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Offley urges Bielaski to prosecute conspiracies to violate the new Selective Draft law aggressively, starting by sending stenographers to report on all public meetings opposing the draft.

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from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

May 29, 1917.

Personal and  
Confidential.

A. B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

Dear Sir:

Referring to our telephone conversation of this afternoon, I beg to again invite your attention to what I believe to be the importance of dealing promptly and vigorously with the impending efforts to obstruct the enforcement of the Selective Draft bill.

Many public meetings have been held and more are scheduled for the near future, and while to this time there has been no open advocacy of violence or force to prevent registration, there are many indications that this may follow.

Several days ago the attention of this office was invited to the Collegiate Anti-Militarist League, composed of college students throughout the United States.

Our investigation disclosed that prior to the passage of the Selective Draft bill, this organization was engaged in agitating opposition to the passage of any such enactment, and in advocating pacifism, generally, and their acts seem to have constituted no violation of law.

May 8, several members affiliated with the Columbia College branch of the League, of this city, held a meeting in this city, which was probably unauthorized by the general organization, and appointed the following persons a committee to further prosecute the aims of the members.

Owen Cattell  
Eleanor Wilson Parker  
Charles Francis Phillips.

# The Emma Goldman Papers

[Letter] 1917 May 29 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 36 × 22 cm.

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**C O P Y**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

A.B.B.

2

W.M.O.-5-29-17-

It is not quite clear at this time just what authority was given this committee or what it was expected to do, but this can be established from evidence available to us, but May 24, 1917, subsequent to the passage of the act, Owen Cattell placed with a local printer an order for the printing of a circular opposing registration, signed by the three members of the committee heretofore designated, describing themselves as the "Committee of the May (8th) Meeting."

The most significant and obnoxious portion of this circular is the closing paragraph, as follows/

"We urge all conscientious objectors to resist registration—even to the extent of going to prison if necessary. If you are with us and intend to resist either registration or conscription let us know your name and address. Communicate with any of the undersigned at Sub-station 84, New York City."

As explained, the order was placed by Cattell, the manuscript and signatures thereto being typewritten, but all the signers have been interviewed by Agents Benham and Matthews and freely admit their responsibility for the circular.

They are defiant and say they "would do it again" if necessary, insisting they believe the act to be unconstitutional, etc.

They are young but their action was deliberate and with evident premeditation.

The matter was presented to Assistant United States Attorneys Knox and Content, both of whom unhesitatingly expressed themselves as believing the facts establish a conspiracy to violate Sections 832 of the Criminal Code and 3 of the Act of May 18, 1917.

Complaint was accordingly filed this afternoon before United States Commissioner Hitchcock and a warrant issued, and Agents Benham and Matthews have been deputized to execute the same.

Similar situations exist in the territory adjacent to New York City, and unless we do some thing we will in my opinion face a serious situation before long in the matter of riots.

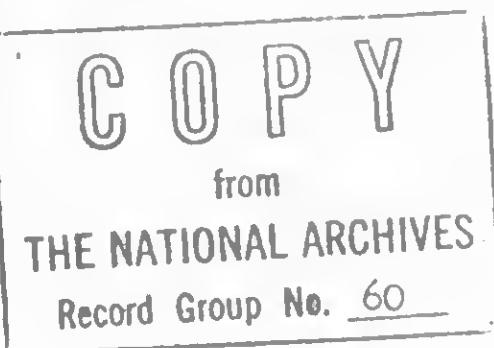
The Police Commissioner is considerably disturbed over prospects of trouble to follow public

# The Emma Goldman Papers

[Letter] 1917 May 29 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 36 × 22 cm.

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Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

A.B.B.

3

W.M.O.-5-29-17-

meetings scheduled for the next few days, and ~~has~~ Assistant Commissioner Godley has discussed the situation this afternoon with Assistant United States Attorney Knox and urges that the Federal government cover the situation and proceed vigorously of any violation can be established, suggesting that competent stenographers be present and report the proceedings.

I enclose herewith letters addressed by Mr. Knox to the Attorney General and would suggest that you endeavor to instruct us as to both cases tomorrow by telephone if possible, so that we may know how to act in the premises.

Very truly yours,

*Wm M. Offley*

Division Superintendent.



# The Emma Goldman Papers

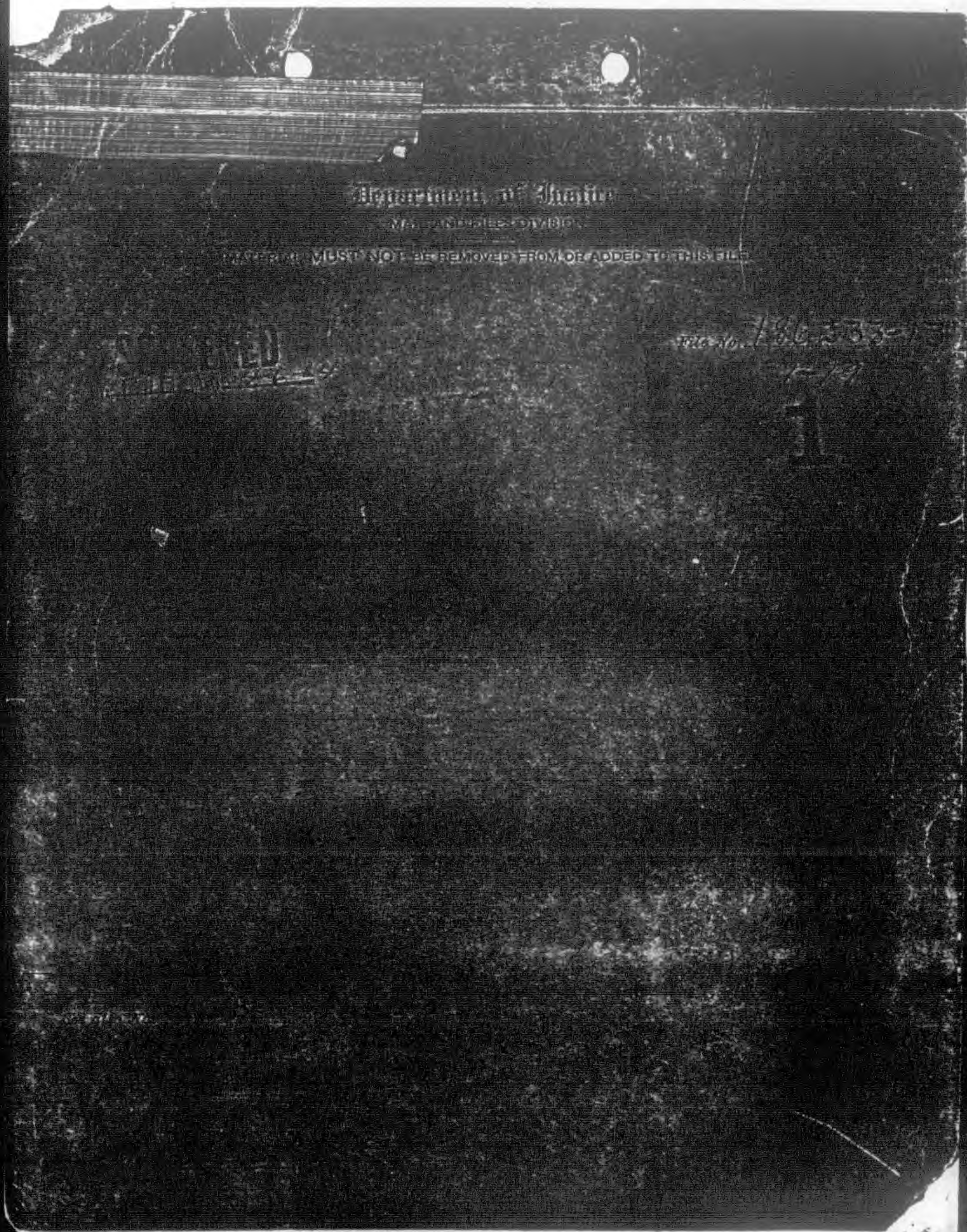
[Confidential Files, 1917 May 29 to Dec. 26 (cover page)] / Department of Justice. —  
2 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Notes: Dark copy. For enclosures, see 810113180 through 810113182 and 810113225 through 810113306.

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from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)



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# The Emma Goldman Papers

[Confidential Files, 1917 May 29 to Dec. 26 (cover page)] / Department of Justice. —  
2 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Notes:** Dark copy. For enclosures, see 810113180 through 810113182 and 810113225 through 810113306.

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CONFIDENTIAL

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# The Emma Goldman Papers

[Letter] 1917 May 29 [Washington, D.C. to] David H. Neuberger, New York / [William C. Fitts?] Assistant Attorney General [Department of Justice]. — 1 p. ; 25 × 19 cm. Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** The assistant attorney general acknowledges receipt of Neuberger's letter regarding Goldman and the No Conscription League.

**Notes:** Dark copy; barely legible.

15446

JTG-ALD  
EDH

9-12-168

May 29, 1917.

David H. Neuberger, Esq.,  
74 Broadway,  
New York, N. Y.

Sir:

I beg to acknowledge the receipt of your letter of the 19th instant, addressed to the Secretary to the President, in reference to Emma Goldman and the so-called "No Conscription League". This matter will receive the careful attention of the Department.

Respectfully,

For the Attorney General,

Assistant Attorney General

BEST COPY AVAILABLE

# The Emma Goldman Papers

[Memorandum] 1917 May 30, Los Angeles [to] Commanding General, Western Department [War Department], San Francisco / W.E. Wilder, Western Department [War Department]. — 1 p. ; 29 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Colonel Wilder forwards No Conscription League circulars which he believes are being sent to foreigners throughout the United States.

Notes: For enclosures, see 870210001, 870210002, and 870220001. For response, see 870220002.

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION

18 60101-21  
JUN 2-1917

1917

RECEIVED Intelligence Office  
War Department

WAR DEPARTMENT

Recd R. H. V. O.

Headquarters,  
Third District, Western Department,  
Los Angeles, California,  
May 30, 1917.

FROM: Commanding Officer.  
TO: Commanding General, Western Department, San Francisco, California.

CONFIDENTIAL.

SUBJECT: Special Report.

The enclosed circulars were obtained this date by an agent of this office. There is reason to believe that these circulars are being sent to people of foreign birth throughout the United States; or, at least, those whose names would indicate foreign birth.

*W.E. Wilder*

Colonel, 5th Cavalry,  
Commanding.

618/718. 1st. Ind.  
I.O., Hq. Western Dept., San Francisco, Calif., June 2, 1917. — To Chief,  
War College Division, Washington, D.C., for his information.

*W.E. Evans*

LW.

Captain, 2nd. Infantry,  
Dept. Intelligence Officer.

REC'D W.C.D. D.C.S. JUN 11 1917

Copy to DJ and PMG 6/16/17.

# The Emma Goldman Papers

880414000

Cross Reference Cards [on Emma Goldman] 1917 May 30 to 1940 May 15 / Office of the Chief of Staff, Military Intelligence Division [War Department]. — 8 p. ; 21 × 28 cm. Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Military Intelligence prepares index references to its reports on Goldman from 1917 to her death in 1940.

Notes: Eight shots of fourteen pages.

GOLDMAN, EMMA  
New York City.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
		See --- P.C. 33270
SEE		HIRTH, PAUL, Seattle, Wash. (A.F.)
SEE		RAPPAPORT, SAMUEL, NYC. (A.F.)
Papers on file in DJ	DJ-May 17-17 (V.J.Valjaved)	Head of World Patriots, Socialistic Movement.
10110-154	June 2-17 JCTucker	
10101-21	ColWEWilder, May 30-17.	Fwds. lettr. of --- who is associated with No Conscription League, re anti-registratn. & anti-war agitation.
Papers on file DJ.	Kronidloweki June 11-17	
10110-43	DJ-June 6-17.	Repts. Ben L. Reitman, anarchist en route N.Y. to take charge. anti-war work there, is ad. to be husband of ---.
9140-2060	DJ-July 31-17	Ben L. Reitman recd. telegram from Martha Gruning in regd to ---. (Fi.)
9140-1347	DJ-July 18-17	--- is assoc. H.F. Sexauer. (Wt)
10110-43	DJ-Oct. 2-17.	Re lettr. of --- to sister, en route to prison.

OFFICE OF THE CHIEF OF STAFF.  
CROSS REFERENCE CARD.

3-2320

GOLDMAN, EMMA

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-1460	IO-CD Dec. 15 19	Worked in conjunction with Alex. Berkman and Wm. Haywood in organizing a negro uprising. (102
10110-1587	IOCD 11-25-20	Radical; attended meeting in People's House. (102
10110-1594	Nspr Clipping Dec. 23-19	Deported. (102
10110-1422	IOCD Jan 21-20	In communication with Richard Verhagen. (102
10110-1688	DJ Undated.	History of ---. (102
10058-470	DS Jan. 22-20	a/w John Clayton. (102
10110-1753	IOCD 2-28-20	Mentioned in rept. re Anarchist Communist Party. (102
10110-1520	IONYCMch 8-20 14k 147	Author of Deportation Its Meaning and Menace. (102
10110-1453	DJ Dec. 8-19	a/w Minnie Lowensohn. (102
10110-154	Brown, to Chgo Tribune, Mch 23 20	Wireless message, that Russian friends for Amer. Freedom under organization to incite revolution in Amer. (102
10110-1594	MID-Feb-20-20 413	Deported on Buford; photo missing.

MILITARY INTELLIGENCE BRANCH, EXECUTIVE DIVISION, GENERAL STAFF.  
CROSS REFERENCE CARD.

7-5043

# The Emma Goldman Papers

Cross Reference Cards [on Emma Goldman] 1917 May 30 to 1940 May 15 / Office of the Chief of Staff, Military Intelligence Division [War Department].— 8 p.; 21 × 28 cm. Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Military Intelligence prepares index references to its reports on Goldman from 1917 to her death in 1940.

Notes: Eight shots of fourteen pages.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-1594 415	MID-Feb-18-20	Deported on Buford; photo missing. (mm)
10110-154	M.O.B.4 #346 Oct-4-1920.	Repts. there are at present 240 anarchists banished fr. America living at Hotel Astor in Petrograd, discontented with condtn. in Russia wanting to return to US among them being Emma Goldman & Bergmann. (328)
P.F.50137	Dec-6-20 M/A Belgium.	Reports re Henry Alsberg arrived in Ostend Nov-12-20 and is said to be accompanied by Emma Goldman. (27)
10058-342 165	Trans. of French rept. undated.	Repts. --- Alexander Bergmann of America took part in internl. bolshevist Congress of Moscow. (328)
10058-515	M/A Berne Feb-27-20	Proclamation issued by Executive Committee of Workmen and Peasants sent to ---. (102)
10058-N-1	ONI-Apr-3-20	Issue of the Avanti, Milan, Italy, contains interview with Emma Goldman, while she was at Ellis Island. (102)
10015-94 6	CD IO, May-7-20	Re lstr. addressed to Dr. Ben. L. Reitman fr. --- mentioned in weekly Sit. Survey or Radical Activities. (34)

FORM 14-A, O. C. S.

3-2648

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
9140-4521	DJ-Oct-11-17 100117	C/w Adolph Wolff, a/w Corps Intelligence Police. (Sl)
10110-476 2	Plant Pro. Div. Nov. 16-17.	Repts. Mrs. McCullough rd. lstr. fr. --- stating she wld. prob. soon visit Los Angeles. (Pe)
10016-15 3	IO Nov 10-17	Held meeting when in Berkeley in Wilkin's Hall. (Wy)
10110-267	Plant Pro Div MIS Nov. 21-17.	Repts. --- will be in Los Angeles special mission before her NY trial, Dec. 10th. (Pe)
	Nov. 23-17	Repts. Mr. & Mrs. Parry McCullough conf. agts. of --- & she will stop at their home while in Los Angeles. (Wm)
10312-49	IO-NYC Nov. 29-17.	Fwds rept. re. --- arrest & convicted of conspiring to defeat the success. operatn. of the Selectv. Draft Law. (Jo)
10175-283	IO-NYC Nov. 30-17	Fwds. rept. re scheme on foot backed by --- IWW, Anarchists & socialists to undermine the morale of the Army. (Hk)
10110-267	MI Plant Protec Dec. 5-17.	Really responsible for Alexander Berkman trying to kill Frick; feels it so keenly will stick to him for life; this not brought out at trial. (Pe)

FORM 14, O. C. S.  
Ed. 11-23-16-10,000.

3-2777



The Emma Goldman Papers

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FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10095-171	IO-NYC. Dec. 31-17	Repts. inf. fr. reliable source that ---, Louis Weitzenkorn & Lily Winner were planning to kill Pres. & others. (Sr)
10110-524 11-28	IO-NY Jan. 17-18	***fwds. lettrs. & other data. re ---. (Kh)
10555-16	IO 33rd Div., Jan 15, 18.	Repts re David J. Goldman, supposed nephew of --- evidences of disloyalty and susp activities at Camp Logan-tried for S.C.D. at Base Hosp but was refused.
10110-524 31-32	IO-NYC, Jan. 23-18.	Fwds. copy of the (Kh) Plan of Organizatn. of one of the soc. of which LOUIS WITZENKORN & LILY WINNER are mbrs.
10110-586 1	ONI-Jan. 23-18	Repts. one Collier, a N.Y. radical of the --- frat. is in Los Angeles for purpose of organizing an Am. Bolshevik movement. Rd. lettr. of congratulation fr. --- on his clever alias as a movie actor & advises him not to go to the Hawaiian Islands. (Wm)
10110-524 8-9	IO-Navy Dept. Dec. 28-17	Fwds. rept. recd. fr. br. of cse. in San Fran. re actvts. --- & assoc
10110-555 12	ONI-Jan. 3-18	***repts. advs. fr. San Fran. br. ***that anarchists on Pacific Coast have recd. word to add. all mail for --- to Stella Cronyn, 226 Lafayette St., NYC.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-2260 1	MID-to DJ Jan-15-21.	Repts. inf. recd. that Mins EVA ADAMS alias EVA ZLOTCHEVER, cousin of --- & near relative of Alexander Berkman is in Los Angeles as rep. of NY radical paper "Revolution" also as an organizer of revolutionist active. (328)
10110-154	Memo. for file Oct. 1-21.	Sse Gen. Intel. Bulletin #70 copy 30 for inf. re --- (328)
10110-154 66	Extract fm sit. Survey 6th Corps Oct. 29-21.	Repts. radicals said to be trying to get aid of the Soviet rep. in NYC to get pasport fm. the Soviet govt. for ---; she has applied to Soviet for a permit to leave Russia & go to England, fm. where she intends to go to Canada. (328)
10110-154 71	DS Dec. 19-21.	Repts. that --- & Berkman are at Riga, & will doubtless eventually endeavor to come to US. (328)
10110-154 82	DS Dec. 29-21	Repts. --- Berkman, & Shapiro hv. bn. Refused visas to Ger. it is restd. they will endeavor to proceed to Esthonia. (34)

The Emma Goldman Papers

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4

SUSPECT.

GOLDMAN, EMMA  
New York City.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-720 7	DJ, Detroit. June 4-18.	Re Leagus for Amnssty for P litical Prisoners; Sophis Mar kowitz, IWW delegats, says was formed after ---'s visit to Detroit. (78
10058-151 1	DJ-Detroit May 18-18	---vry intimate frisnd of Sophia Markowitz. (14
10103-45 81	M/A Holland, May 31-18	Mentioned on rept.re other anarchists. (159
SEE		MIMEOGRAPHED NYC PC 30471
10421-35 22	DJ.NYC. Jul.25-18	a/w Nylander, Bales. (32
PF. 25996	Capt. Taylor Aug. 30-18.	Re Harry Pappaport belongs to radical school wife frd of --- (56
169-811st 1	M/A The Hague Oct.12-18	
113864	NYC PC.	(199.
SEE	BUFFALO, N. Y.	SPIVAK, JOSEPH BUFFALO, N.Y. A.F. (1971
157-B20-20	ONI list 7-20-18	SEE JOHN REED (141
0058-91 (15) 10605-99 76	c/w	
P.F. 50588 5-6	May 27-1919 IO-NYC	Repts.--- works in c/w one GUSTAV STILLER. (150

MILITARY INTELLIOENCE BRANCH, EXECUTIVE DIVISION, GENERAL STAFF.  
CROSS REFERENCE CARD. 3-5048

3

GOLDMAN, EMMA  
N.Y.C.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
9140-5862	Clipping, Jan.28-18	Supreme Court asked to re- hearse.
10110-242	DJ, Jan.8-18	Fwds rept of lecture by--- on Maxim Gorki @Chicago; men tions IWW literature on sale in hall. (Fx
-575	0-99, 2/4-18	Repts local br.IWW had split w/---; accuse her of collectg money for dsf.fund \$170 & turng over only \$20, chgd \$150 for 3 days expenses "shs is sick to feed the lawyers all the time, they are glad shs is in jail." (Fx
9771-23	DJ.Oct.8-17	c/w Indian Revolution. (He
10110-242	APL, Chicago Jan.11-18	Repts lectures by---"America & the Russian Revolution," under auspices Non-Partisan Radical League. (Fx
10110-322	NP Clipping Jan.14-18	Conviction of---, Berkman, st. al, oustained by Suprems Cour (Mc
10110-228	DJ.Mar.11-18	Rspt.rs telegram rscd.fr. Agt.in chg.Bagley, Kan.City, req.copies of telegrams sent &recd.by---for last 30 days. (Tt
10110-267	PP, Mar.30-18	Repts ---now having her paper "Mother Earth" conductd by a cousin Cummings by nams(wom an)who---is permittd to cor- respond with;---instructs her what to publish & paper is sent in seald envelopes thru OFFICE OF THE CHIEF OF STAFF. CROSS REFERENCE CARD. --contnd

The Emma Goldman Papers

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FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.	FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-720	Clipping Apr. 10-18	mail; suggested greater restrictions be placed upon her (EW) --- issued call for members & "support" for League for Amnesty Political Prisoners" fr prison cell in Feb; demand release of all political prisoners. (33)	10110-1578		
10110-267	C, MIB Apr. 9-18	To: Warden Fed. Pen. Atlanta: Fwds: inf. that Emma Goldman is carrying on publication of "MOTHER EARTH" thru Miss Cummings & advs. greater restrictions on her. A/w MRS. GRACE KELLER. (90) L# 59-131.	10110-546-29-31	MID 6-19-19	A/w Robert Minor. (102)
P.F. 8715 1	Lt. Van Dusen May 2-18.		10110-267 169	IO-CD Sept. 19-19	Article in Chicago Tribune states that --- will be held at Ellis Island pending hearing on deportation. (102)
10110-564 47	Pos. Gen. New Orleans Apr. 11-18	Fwds. copy inter. lettr. fr. Epignenio Savala, Los Ang. to "La Verdad" Callao, Peru in which writer asks address -ee to have Free Press reproduce copy Nsp. Regeneration, written by --- (who is now U.S. Political Prisoner, Jefferson Parish (Jefferson City, Mo) which caused arrest of Magon & Rivera, (113 Mar. 21-1918.	10110-1430	IO-CD Oct. 21 19	Russian Communist Society, Gary, Ind., follower of ---. (102)
10248-37	ONI June 3-18	Advs is fwdg abt. 8000 susp cards consisting of subscribers to "Mother Earth"; --- publications. (22)	10634-685	IO-ED Oct. 28 19	Claims US citizenship by marriage. (102)
			10110-1241	IO-CD Oct. 28 19	a/w Esther Fox. (102)
			10110-1398	IO-CD Oct. 29 19	Claims she does not care about being deported, as her orders among the anarchists in the US will be carried out. (102)
			10110-1241 29	Wm DWilson Nov. 7-19	Said to be founder of INWW in US. (102)
			10110-443 150 151	CD -Dec. 1-19	Re c/w terrorists campaign.
			10110-154	CD-Dec. 2-19	At farewell dinner for --- Dr. Ben Reitman denounced radical. (50)

FORM 14, O. C. S.  
Ed. 10-15-17-150,000.

3-2329

FORM 14-A, O. C. S.

3-2415

# The Emma Goldman Papers

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GOLDMAN, EMMA

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10247-29 9-10	DB June 19-20	---and Alex. Birkman are heads of society for reception of Deported Aliens. (34
10110-1194 322	Senate Rept #526	C/w Martens. (264
2657-D-115	ND-May-28-20.	Society called "Ruseian Friends of American Freedom" formed by ---& Jno. Birkman inf. on other suspects.
2338-U-5	Oct-6-20 IO-2nd Corps.	Harry Kagan reports re meeting with---. (27
10659-89	M/A Berlin Apr-15-1920.	Examiner taking IWW agreement to Amer.; young Jew; will arrive in US via Mex. within two or three months in c/w agreement bet our own IWW & Russia which Lenine has sanctioned upon proposal of Goldman and Berkman who are organizing the Society of Ruseian Friends of Amer. Freedom. (50
164-334 114	M/A Riga Aug-2-21.	---thoroughly disilluisioned & wishes to return to American '50
10058-94 147	DJ-Jan-14-1921.	Repts.---contemplates marrying an American citizen at present representing the NY World in Russia, in order to be admitted to US. (328

OFFICE OF THE CHIEF OF STAFF.  
CROSS REFERENCE CARD.

8-2329

GOLDMAN, EMMA  
New York City, N.Y.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-242	Circ. Undated	***give name of---as one of the prominent people who will attend the Benefit Ball to be given for "The Maesee" & indicated officers of same. (Mh
10110-524 1,2	W.A. Pinkerton Dec. 10-17	Repts.---organ. Committees of Five thru out country for purpose of killing men fr Pros. to District Attorney; day & hour will be designated by head of organ. called "The Guillotine". (Br
10110-524	IO NYC Dec. 20, 17.	***fwde rept of Inspector Brady re ---, Louis Weitzenkorn and Morris Riskind. (Mh
	IO-ED Dec. 24, 17.	***telgr to MIS says---concerned in org of Committee of 5 to assassinate the President and District Attorneys, and other prominent officials throughout the country.; member of the Orgn called the "Guillotine." (Mh
10175-270	IO NYC Dec. 26-17	---gave Chas. F. Fischer permission, to use her add. in recg his mail. (Si

OFFICE OF THE CHIEF OF STAFF.  
CROSS REFERENCE CARD.

8-2329



The Emma Goldman Papers

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GOLDMAN, EMMA

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-154 73	Ext.Sit.Sur. 6th CA,Jan. 21&22.	Re; --- & Alexander Berkman in Sweden, must leave that country Jan.25th; if police cannot deport them, they will be held as prisoners; cannot enter Germany,Norway & Denmakr; Soviet rep.in Sweden, denounced them.(328
10110-154 74	MO Riga, #2250 Dec.19-21.	Repts.---,Berkman & Alex. Chapiro, now in Riga, --- was interviewed & stated she is going to travel thru Europe & hope eventually to return to US;she is going to fight to get back herAmer.citizenship. (328
10110-154 75	MO Riga, #2313 Jan.2-22.	Repts. Desp.#1549 fm. Commenr.Young Riga,Dec. 31,1921, to Sec.State contains rept.on ---,Berkman & Shapiro re their stay & actv ts.in Riga.givee list of interesting documents also contd.in rept (328
10110-154 78-80	DSFeb9-22.	Encls.copy of Desp.#1549 fm.Riga,Dec.31,1921,re actvt of ---,Berkman & Shapiro, in Riga,who encls.copies of 8 documents found on abv subjs. (328

MILITARY INTELLIGENCE BRANCH, EXECUTIVE DIVISION, GENERAL STAFF.  
CROSS REFERENCE CARD. 3-6045

# The Emma Goldman Papers

Cross Reference Cards [on Emma Goldman] 1917 May 30 to 1940 May 15 / Office of the Chief of Staff, Military Intelligence Division [War Department]. — 8 p. ; 21 × 28 cm. Obtained from the United States National Archives. Institutional Location: Record Group 165.

**Summary:** Military Intelligence prepares index references to its reports on Goldman from 1917 to her death in 1940.

**Notes:** Eight shots of fourteen pages.

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-154 81-83	DJ Feb.9-22.	encls.copies of 2 lettrs one dated Jan.17,1922,add ressed to ----Berkman in reply to one fm. --- &other fm.---Riga,Dec.31,1921 to 2My Darling" (328
10110-235	Clipping	article states that---is ou cast in Moscow. (50
10110-154 34	3-10-23 Clpng from Ind Star	Re---"Fired by Russia, lights in Berlin" (27
10110-2662 80	Hq.2nd CA 2-9-34	Recent visit of---to NY(27
10110-2661 54	HQ 1st C.A. 3-16-34	Lectured inBostonn2-17-34. On platform were Miss Alice Stone Blackwell and Miss Ste lla Ballentine a niece of--- (27
10110-2663 82	HQ 3rd C.A. 3-10-34	Spoke in Phila.(27
10110-154 f/w	May 15-40 Clipping	Report of death of---5-14- 40 in Canada.(27

# The Emma Goldman Papers

[Telegram] 1917 May 31 [Chicago to William M.] Offley [Division Superintendent, Bureau of Investigation, Department of Justice], New York / [Hinton G.] Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice].— 1 p.; 28 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh reports that Reitman is enroute to New York from Chicago to work against the draft.

Notes: Light copy; barely legible.

Offley,  
Federal Building,  
New York, N.Y.

Letter received in Chicago from Ben L. Reiman  
reports from Chicago to New York says quote "they would  
be glad to see me in Chicago so I go to New York to take  
care of the anti war work there and quote

He will probably work with Emma Goldman of Mother  
Earth twenty east one hundred twenty fifth street.  
Transmitted by this office.

Clabaugh.

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# The Emma Goldman Papers

[Telegram] 1917 May 31, Oakland, Calif. [to Thomas Watt Gregory] Attorney General [Department of Justice], Washington, D.C. / [J. W.] Preston, U[nited] S[tates] Attorney [Department of Justice]. — 1 p. ; 36 x 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Preston requests the attorney general's permission to indict Goldman, Berkman and other anarchists for conspiracy to violate the draft act and mail violations.

**Notes:** Dark copy. For reply, see 810113010.

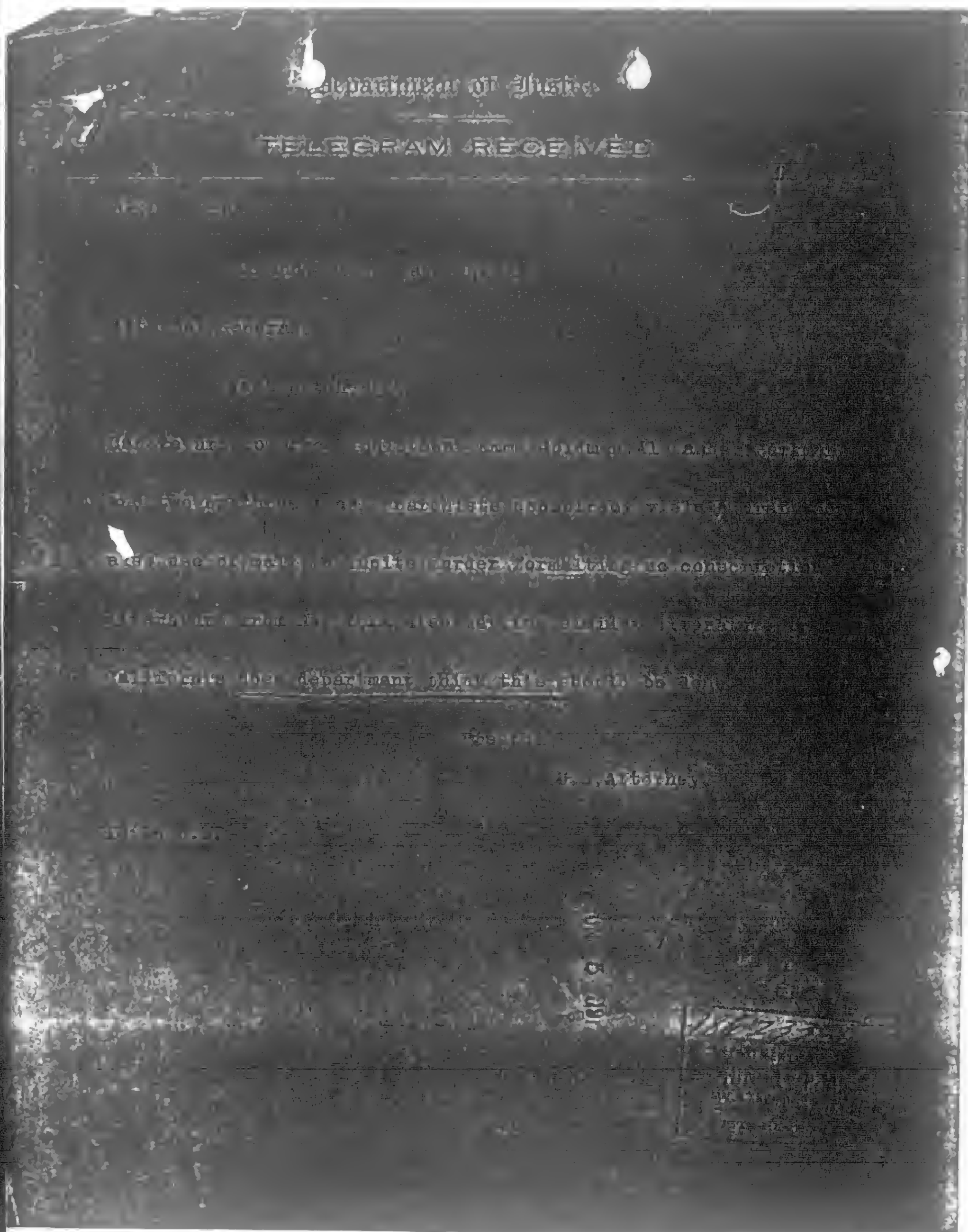
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THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)



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# The Emma Goldman Papers

[Letter] 1917 May 31 [Washington, D.C. to] Morris Clark, New York / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski acknowledges his receipt of a complaint against the No Conscription League.

Notes: Dark copy. Reply to 880603008.

M12 (MPH)

May 31, 1917.

Morris Clark, Esq.,

715 West 180th Street,

New York, N. Y.

Dear Sir:-

I have received your letter of May 27, 1917, which enclosed a circular published by the "No Conscription League", 20 East 105th Street, New York City.

Please accept my thanks for this information, which will receive appropriate attention.

Very truly yours,

Chief.

BEST COPY AVAILABLE

# The Emma Goldman Papers

[Letter] 1917 May 31, Sacramento, Calif. [to William H. Lamar] Solicitor, Post Office Department, Washington, D.C. / Postmaster, Post Office [Department]. — 1 p.; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Sacramento postmaster sends anti-conscription material to Washington, D.C.

Notes: Broken type. Enclosed with 880603017. For enclosures, see 880603011 and 870220001.

## United States Post Office

SACRAMENTO, CALIFORNIA

FIRST CLASS

May 31, 1917.



Hon. Solicitor for the Post Office Department,  
Washington, D. C.

In response to the Postmaster General's confidential circular of May 23, 1917, I am enclosing some circular matter regarding non-conscription, which was found loose in the letter drop.

GWT W

Postmaster.

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## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / William M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 23 x 18 cm. Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley describes department plans to arrest Goldman and end anti-draft registration agitation. He asks for authority to proceed.

Notes: Barely legible. For positive print, see 881012013. For transcription, see 881026000. Barely legible. For positive print, see 881012013. For transcription, see 881026000.

Enclosed for  
Bureau of Investigation

A. Bruce Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

Dear Sir:

In further reference to the action being taken  
here to suppress the progress of the anti-draft agitation,  
I have to advise you that numerous individuals are con-  
tinuing to hold meetings and distribute literature in the  
city, and to continue to oppose the draft. The action of  
the Government to suppress this agitation is being taken in  
order to prevent the further spread of this agitation and  
to prevent the further spread of this agitation.

The first group of individuals who are taking  
part in this agitation are the individuals who are  
taking part in this agitation. They are taking part in  
this agitation and are taking part in this agitation.  
They are taking part in this agitation and are taking  
part in this agitation.

They will be given a certificate of citizenship and  
will be given a certificate of citizenship.

The individuals who are taking part in this agitation  
are the individuals who are taking part in this agitation.  
They are taking part in this agitation and are taking  
part in this agitation.

They will hold a mass meeting tonight at  
Madison Square Garden, which will be attended by  
several hundred individuals. They are taking part in  
this agitation and are taking part in this agitation.  
They are taking part in this agitation and are taking  
part in this agitation.

BEST COPY AVAILABLE



Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** (Office describes department plans to arrest Goldman and end anti-draft registration agitation. He asks for authority to proceed.)

Notes: Barely legible. For positive print, see 881012013. For transcription, see 881026000. Barely legible. For positive print, see 881012013. For transcription, see 881026000.

times when he was being attempted to inter-  
view him, he was being taken to the  
to in the building, as he was not to be seen  
the day.

error, which was in some cases corrected, was the omission of the word "the" before "father" in the second sentence of the first paragraph.

[illegible][illegible]

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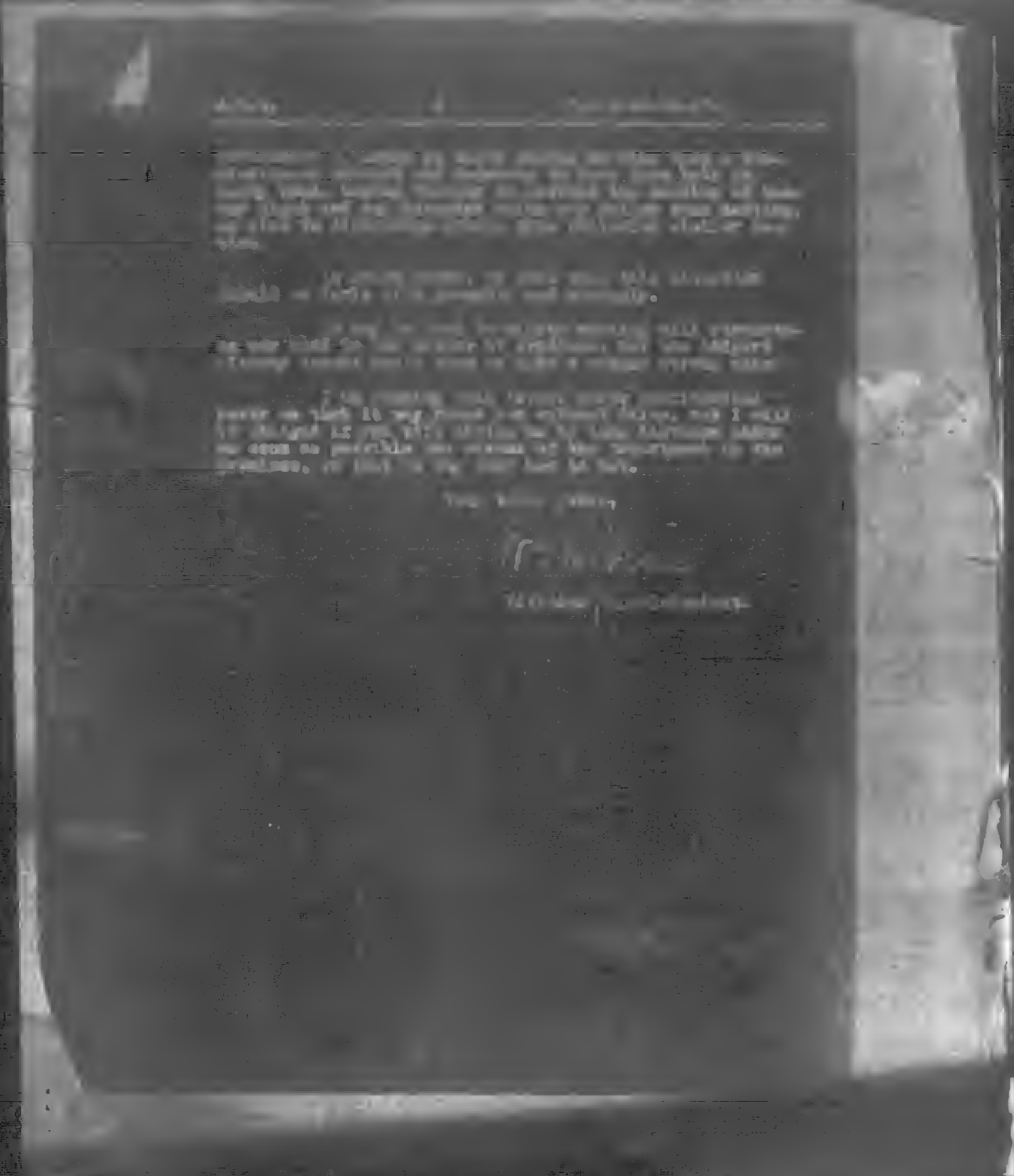
## The Emma Goldman Papers

[Letter] 1917 May 31 [New York 10] A B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / William M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 23 x 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65

Summary: Offley describes department plans to arrest Goldman and end anti-draft registration agitation. He asks for authority to proceed.

Notes: Barely legible. For positive print, see 881012013. For transcription, see 881026000. Barely legible. For positive print, see 881012013. For transcription, see 881026000.



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Obtained from the United States National Archives. Institutional Location: Record Group 65.

1992

Personal and Confidential

Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

2002

Referring further to the efforts being made here to defeat the purpose of the Selective Training bill, I have to advise you that numerous individuals and organizations are actively opposing registration under the act, and it begins to appear that the failure of the Government to act in the premises is being accepted either as an admission of weakness or as evidence of our inability to prevent a continuance of such efforts.

The three persons arrested this morning in connection with the Hellagiate Anti-Communism League are very young, although they were prior to the arrest defiant, and by reason of their youth, the Government asked that bond be fixed at \$1500 for each in default, they having promised they would desist from their efforts pending the determination of the prosecution against them.

They will be given a preliminary hearing tomorrow before United States District Judge J. Edgar.

The degradation from a state of peace to most trouble is the "decomposition" of the world. quarters 20 East 11th Street, New York City, U.S.A. of the I.P.T. 1970. The I.P.T. 1970 is a very important document, and may be of great value to the I.P.T. 1970.

Medical Center  
East End of  
Police Commission  
and a company  
of soldiers.

BEST COPY AVAILABLE

## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 4 p. ; 26 × 21 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Light copy; portions illegible. Four shots of three pages. For negative print, see 880928000. For transcription, see 881026000.

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## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 4 p. ; 26 × 21 cm.

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## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 4 p. ; 26 × 21 cm.  
*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

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## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. [transcript by the Emma Goldman Papers] / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 28 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Transcript of 880928000. Transcript of 880928000.

May 31, 1917

Personal and  
Confidential

A.B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.

Dear Sir:

Referring further to the efforts being made here to defeat the purpose of the Selective Draft bill, I have to advise you that numerous individuals and organizations are entirely opposing registration under the act, and it begins to appear that the failure of the Government to act in the premises (?) is being accepted either as an admission of weakness or as evidence of our inability to prevent a continuance of such efforts.

The three persons arrested this morning in connection with the Collegiate Anti-Militarism League are very young, although they were prior to the arrest defiant, and by reason of their youth, the Government asked that bond be fixed at \$1500 for each defendant, they having promised they would desist from their efforts pending the determination of the prosecution against them.

They will be given a preliminary hearing tomorrow before United States Commissioner Hitchcock.

The aggregation from which we fear the most trouble is the "No Conscription League", with headquarters 20 East 125th Street, dominated by agitators of the I.W.W. type, including Emma Goldman, Alexander Berkman, and many of their associates.

They will hold a mass meeting tonight at Madison Square Garden, which will be attended by Assistant United States Attorney Knox; one of the Deputy Police Commissioners of the city; agents of the bureau; and a competent stenographer, who will report the proceedings. They have also arranged for a meeting at Hunts Point Palace, June 4, for the purpose of further agitating this matter.

I conferred this morning with Chief Magistrate McAdoo (McAdee?) and Mr. Knox as to this situation in general and some plan of cooperation.

## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. [transcript by the Emma Goldman Papers] / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 28 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Transcript of 880928000. Transcript of 880928000.

It is their opinion that these matters should be handled by the Federal Government and Judge McAdoo (McAdee?) suggested that a considerable number of special assistant United States Attorneys be appointed to serve, of course, without compensation, to attend before the various magistrates when cases are brought in, and that he will endeavor to so arrange that upon the suggestion of these assistants, such persons be held upon charges of disorderly conduct, or something of that sort, until the United States Attorney can act, when they will be surrendered to me for prosecution.

Mr. Knox will write the Department upon this subject shortly.

It is the opinion of every one that the reply (?) which may follow these meetings is problematic, but that at any time serious outbreaks are liable to occur, particularly at the Goldman meetings, which will be made up largely of socialists and persons of even more dangerous affiliations.

Two of the agents to-day attempted to interview Miss Goldman, who, as stated, seems to be the ring leader of this particular faction, but found she is in Philadelphia, or at least not in this city, for the day.

They visited the League headquarters, however, which were in charge of a young man, and secured samples of the literature which they are freely circulating, photostat copies of which accompany this letter.

We should have little difficulty locating the printer of these circulars and so ascertaining who actually placed the order.

The character of these dodgers and the language used seems mistakable and Mr. Knox if (sic) of the opinion that we can successfully prosecute them under Section 37 of the Code, charging a conspiracy to violate the Act of May 18, 1917, and also invoking the assistance of Section 332.

What we would like to do is to arrest the principals Saturday or early Monday morning upon a Commissioners warrant and endeavor to have them held in heavy bond, hoping thereby to prevent the meeting of Monday night and any disorder which may follow such meeting, as also to discourage others from following similar tactics.

In other words, we feel that this situation should be dealt with promptly and strongly.

In (sic) may be that to-nights meeting will strengthen our hand in the matter of evidence, but the dodgers (?) already issued would seem to make a rather strong case.

## The Emma Goldman Papers

[Letter] 1917 May 31 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. [transcript by the Emma Goldman Papers] / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 3 p. ; 28 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Transcript of 880928000. Transcript of 880928000.

I am sending this letter under confidential cover so that it may reach you without delay, and I will be obliged if you will advise me by long distance phone as soon as possible the wishes of the Department in the premises, so that we may know how to act.

Very truly yours,

(signed) Wm. M. Offley

Division Superintendent



## The Emma Goldman Papers

[Agent Report In re: League of Humanity, Chicago, 1917 June? (fragment)] / [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: An unidentified agent describes a meeting for conscientious objectors in Chicago at which Cassius Cook appealed for money for Goldman and Berkman's defense.

Attended a meeting for Conscientious Objectors, Auspices of League of Humanity at Lincoln Hall, 19 W. Adams St., visited by about 60 men and women. Most of them were Americans. Attorney H. O. Malks spoke about Modern Democracy, but was very careful in his speech.

Daniel H. Wallace, the next speaker, spoke about the State, Church and War. There is Government building here which is surrounded by saloons, cigarette and cigar stores. They are all paying for their license. Where there is a church there can't be no saloons or stores where there are cigarettes sold. So the church got more power than the State. He also told the experience he had serving the British Army. The priests are the ones that tell young men to go to war, like Cardinal Gibbons said he had millions of men to go to France and fight for this country. Wallace told the audience not to speak about the war in case they are approached by somebody.

Mr. Cook, the Chairman, asked for contribution for the defense of Emma Goldman and Berkman and also that they should join the League of Humanity. Only two joined.

### MASS DEMONSTRATION.

Silent Protest of Conscientious objectors urged by the League of Humanity. Sunday, July 1st at 10:30 A.M. every individual who objects to war is urged to visit the Lincoln monument near the Lincoln Park entrance and the two inscriptions on the front of the high circular stone curbing surrounding that monument. Those who approve these sentiments, there expressed, are asked to take off their hats as an indication of such approval. The League of Humanity urges also that all real lovers of liberty walk onward to the new monument of Ex. Gov. Altgelt - that other great apostle of freedom.

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# The Emma Goldman Papers

[Telegram] 1917 June 1 [Washington, D.C. to J. W. Preston] United States Attorney [Department of Justice], San Francisco / [Thomas Watt] Gregory [Attorney General, Department of Justice]. — 1 p. ; 34 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Gregory asks Preston to hold a grand jury investigation of Goldman and other anarchists but to delay indictments.

Notes: Reply to 810113011. For Preston's response, see 810113012.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

TELEGRAM

JUN 6 1917

WCP-DHM

186233-13-1

June 1, 1917

United States Attorney

San Francisco, California

Summed from Oakland Wire details proposed case against Emma Goldman and other anarchists. Hold grand jury but do not return indictments until further instructed.

Gregory

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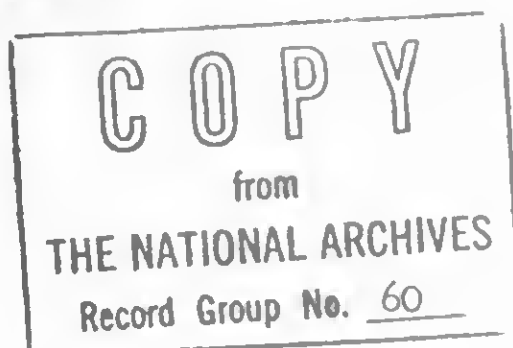
# The Emma Goldman Papers

[Telegram] 1917 June 2, San Francisco [to Thomas Watt Gregory] Attorney General [Department of Justice], Washington, D.C. / [J.W.] Preston, U[nited] S[tates] Attorney [Department of Justice]. — 1 p. ; 36 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Preston explains that his proposed case against Goldman, Berkman and other anarchists rests on evidence that they mailed anti-conscription literature.

Notes: Reply to 810113010. For reply, see 810113014. Transcript of 810113013.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

Transcription of attached telegram: (DHH)

San Francisco California, 208 PM June 2, 1917.

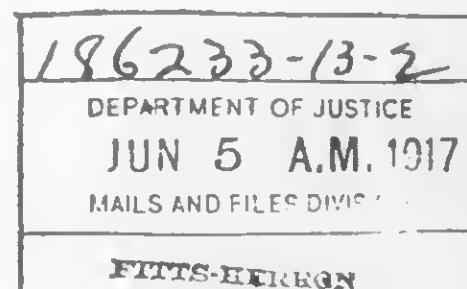
Attorney General,

Washington, D. C.

April seventh edition over (of-?) NEWS LEADER denied mail because of seditious article therein Local anarchists are using mails to solicit funds to reprint and circulate same edition. Name of payee of funds fictitious. Party receiving mail of fictitious addressee. Anarchists and associate, Berkan Fitzgerald and others of twenty East One Hundred Twenty-fifth Street, NewYork, "No Conscription" literature mailed from above address, signed by Goldman and received throughout State conditions following, "We will resist conscription by every means in our power and we will sustain those who for similar reasons refuse to be conscripted". Thought indictment might promote peace on registration day, but do not urge matter if Department thinks it unwise.

PRESTON, U. S. Attorney

706 PM





# The Emma Goldman Papers

[Telegram] 1917 June 2, San Francisco [to Thomas Watt Gregory] Attorney General  
[Department of Justice], Washington, D.C. / [J.W.] Preston, U[nited] S[tates] Attorney  
[Department of Justice]. — 2 p. ; 30 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Notes: Dark copy. Handwritten notations above printed message decode the cipher. For transcript of  
decoded message, see 810113012.


COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

CLASS OF SERVICE	SYMBOL
Day Message	DM
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	DM
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT WYATT BUILDING, COR. 14TH AND F STS., WASHINGTON, D. C.      ALWAYS OPEN

E 18CHHZ 120 GOVT

PO SANFRANCISCO CALIFORNIA 208PM JUNE 2, 1917.

ATTORNEY GENERAL      3558

*April*      *edition*      *news*      *leader*      *denied*      *mail*

COMIC SEVENTH GENERALIZE OVER DEVELOPMENT MINK FEVERISH MUMMIFIED

BECAUSE OF TIHAEMAEUTSA CONCERN THERE IN, LOCAL CLEATS ARE USING

MAILS TO SLAMMED IMPREGNATES TO REPRINT AND CIRCULATE SAME EDITION

NAME OF PAYEE OF FUNDS HOGGISH PARTY RECEIVING MAIL OF HOGGISH ADDRESSEE

CLEAT AND CONSORTED FIPYSEL SA, BAEMKIPEDHSA AND OTHERS OF TIPSYPART

ONE JUNKER TITHE STREET OVERDOER, QUOTE NO ZULTZPAERMAEULSA QUOTE

MOLESTATION MUMP FROM ABOVE CARBONIZE SIGNED BY KUDHJELSA AND REDBIRD

THROUGHOUT STATE EVOCATIONS FOLLOWING QUOTE UPROOTED WAG RETOUCED

ZULTZPAERMAEULSA BY EVERY NAUTRALIZERS IN OUR PREORDAINED AND UPROOTED

*Amarchists*      *associate*      *Berkar*      *Sitzgerald*      *twenty*

*hundred*      *twenty*      *fifth*      *N.Y.*      *Conseription*

*literature*      *mailed*      *Address*      *Goldman*      *received*

*Contains*      *we*      *will*      *resist*

*Conseription*      *means*      *power*      *we*

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The Emma Goldman Papers

[Telegram] 1917 June 2, San Francisco [to Thomas Watt Gregory] Attorney General [Department of Justice], Washington, D.C. / [J.W.] Preston, U[nited] S[tates] Attorney [Department of Justice]. — 2 p. ; 30 × 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 60.  
Notes: Dark copy. Handwritten notations above printed message decode the cipher. For transcript of decoded message, see 810113012.


COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	NMe
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

RECEIVED AT WYATT BUILDING, COR. 14TH AND F STS, WASHINGTON, D. C. ALWAYS OPEN

E18CHBZ      SHEET 2

*Sustain*  
WILL STORMIER THOSE WHO FOR SIMILAR REASONS REFUSE TO BEZULTZPAERMEHSA  
*indictment*  
QUOTE THOUGHT LIME MIGHT PROMOTE PEACE ON REJOINTED DAY BUT DO NOT  
*urge*  
TRUSTWORTHY MATTER IF FIELDER THINKS IT TRUTKLEU  
*department*  
PRESON  
U S ATTORNEY  
*conscripted*  
*universe*

706PM

3558

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# The Emma Goldman Papers

[Agent Report In] re: Emma Goldman, Anarchist Leader, Philadelphia, 1917 June 2 / J. Gassel [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Gassel describes Goldman's lecture in Philadelphia on May 31, 1917, in which Goldman spoke in Yiddish about private property, the state and law, and birth control. The police prevented her from speaking against conscription.

15446

5

REPORT MADE BY: J. Gassel	PLACE WHERE MADE: Phila., Pa.	DATE WHEN MADE: June 2, 1917.	PERIOD FOR WHICH MADE: 5/31/17
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION: RE: <u>EMMA GOLDMAN</u> (Anarchist Leader)			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <u>At Philadelphia:</u>  This evening I was instructed by Agent Daniel to be present at a lecture held by <u>Emma Goldman</u> , the Anarchist Leader, and, in company with Stenographer Cleary. I proceeded to the Royal Hall, 7th and Morris Streets, where the meeting was held. (Stenographer Cleary's presence was required to take the details in shorthand). The subject of the lecture was "Victims of Moral" (spoken in Yiddish) and was divided into three kinds of moral: (1) The Moral of Private Ownership; (2) The Moral of the State and Laws; (3) The Moral of Women.  In the first she spoke about private ownership and brought out that the workers are the victims of this moral and the capitalists are the benefactors.  In the moral of the state and laws, she criticised the laws of the country and said that laws are made for the capitalist class and against the working class; that at the present crisis the laws are keeping the working class in fear and threaten them with arrest and punishment if they will protest, resist, or refuse to be taken blindly like cattle to be slaughtered for the Rockefellers, Morgans and Wall Street; then, raising her voice high, she said, "Were you citizens of a free Republic asked whether you want to go to kill and be killed without a reason? No. They did not find necessary to ask you that but passed laws which you must obey or go to jail, and through the corrupt press they are making you believe that you are patriotic; and in the name of capitalism and patriotism, they take the best men of our community and put them out to be killed."			
COPY OF THIS REPORT FURNISHED TO:			

JUN 4 1917  
RECEIVED  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

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158



## The Emma Goldman Papers

[Agent Report In] re: Emma Goldman, Anarchist Leader, Philadelphia, 1917 June 2 / J. Gassel [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 28 x 22 cm. Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Gassel describes Goldman's lecture in Philadelphia on May 31, 1917, in which Goldman spoke in Yiddish about private property, the state and law, and birth control. The police prevented her from speaking against conscription.

6  
And this is what makes you the victims of the moral of our laws."

In the moral of women she spoke chiefly about birth control and at the end said that if you mothers would go out and say "No! we will not give our sons to be killed for the Rockefellers and Morgans" it would make the lawmakers siver; and there is where she was stopped from further speaking by Sergeant Hogan of the 3rd and Moyamensing Avenue Police Station, who warned her not to speak any more about conscription or he would take her in the patrol wagon. Then she commenced to speak in English and said that nothing in the world will stop her from agitating her ideals, and that she is going to New York and will continue her propaganda.

At the end, questions were asked from the audience. One asked whether the Constitution does not give them the right to ask the Congress to repeal laws, to which she answered that the Constitution is only observed on Memorial Day and the 4th of July. The rest of the time it is interpreted for the benefit of the Capitalists.

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159

# The Emma Goldman Papers

[Letter] 1917 June 2, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster, Post Office [Department].  
— 1 p. ; 33 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** Patten asks the Post Office solicitor to respond to his earlier request regarding the mailability of the May 1917 issue of *Mother Earth*.

**Notes:** Follow up letter to 810128034.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.



Enc.

June 2, 1917

Solicitor,

Post Office Department.

Enclosed is a copy of a letter sent to the Department May 8, 1917 to which no answer has been received. As the copies of "Mother Earth" referred to therein, also additional copies subsequently mailed, are still held the matter is brought to your attention for such advice as it is desired to furnish.

L-h

*T. G. Patten*  
Postmaster



# The Emma Goldman Papers

[Memorandum] 1917 June 2, San Francisco [to Ralph? H? Van? Deman?] Chief [Military Intelligence Section, War Department], Washington, D.C. / A. Evans, Department Intelligence Officer, Western Department [War Department]. — 1 p. ; 28 x 22 cm. Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Captain Evans forwards No Conscription League circulars to the chief of the War College Division.

**Notes:** Lower document only. For enclosures, see 870210001, 870210002, and 870220001. Response to 870210003.

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION

8702101-21

JUN 2-1917

1917

RECEIVED Intelligence Office  
War Department

WAR DEPARTMENT

Ed B. H. V. O.

Headquarters,  
Third District, Western Department,  
Los Angeles, California,  
May 30, 1917.

FROM: Commanding Officer.

TO: Commanding General, Western Department, San Francisco, California.

CONFIDENTIAL.

SUBJECT: Special Report.

The enclosed circulars were obtained this date by an agent of this office. There is reason to believe that these circulars are being sent to people of foreign birth throughout the United States, or, at least, those whose names would indicate foreign birth.

*W. E. Widener*

Colonel, 5th Cavalry,  
Commanding.

618/718. 1st. Ind.  
I.O., Hq. Western Dept., San Francisco, Calif., June 2, 1917. — To Chief,  
War College Division, Washington, D.C., for his information.

*A. Evans*

LW.

Captain, 2nd. Infantry,  
Dept. Intelligence Officer.

REC'D W.C.D., U.C.S. JUN 11 1917

Copy to DJ and PMG 6/16/17.

# The Emma Goldman Papers

Cross Reference Card [for Mother Earth and Mother Earth Bulletin, Washington, D.C.?] 1917 June 2 to 1922 July 13 / Military Intelligence Division [War Department]. — 2 p.; 22 × 28 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Military Intelligence cross references its files on Mother Earth and Mother-Earth Bulletin.

Notes: Two shots of four pages.

"MOTHER EARTH"		
20 E. 125 St. New York City		
FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
LATER ADDRESSES OF ABOVE		
226 Lafayette St. NYC	#4 Jones St. NYC.	
SEE		Figner, Vera N.Y.C. A.F.
SEE ALSO		A.F.
Papers on file DJ.	June 2-17.	Pvt. JOHN OLSON, Waco, Tex. Socialistic periodical; editor Commire; has committee of 50 members
10110-106	DJ. Jul 9-17	This paper or magazine is very scarce now and Anarchists are trying to buy up. It contained a number of articles by Emma Goldman and Ben Reitman and other Anarchists. The most important article in it was "The Non-Conscription League".
10110-372	DJ-Sept. 15-17	---edited by Emma Goldman.
10110-148	DJ-Oct-15-17	Socialist Magazine of Anarchist Thought.
-514 1 +	IO-Pittsburgh Dec. 5-17	Repts. Dec. 3 --- recd by Margolis & other anarchists; bulletin on sale by Joe Mountain. (Fx)
-148	PosGen Mch. 1-18	Adv. copies of --- sent thru mail; on p. 6 article to Organized Workers San Fran fr Calif Dist. Defense Cmte; Emma Goldman req. readers to write to her & Berkman in prison; (Fx)

OFFICE OF THE CHIEF OF STAFF.  
CROSS REFERENCE CARD.

3-2329

ALL CORRESPONDENCE RE "MOTHER EARTH" NOW BELONGS ON 10110-184 REGARDLESS OF LOCALITY.		
FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
10110-184	IO-Nogalee Aug. 15-18 IO-SD Aug. 19-18	Is conducting investigation of ---. (90) Req. names of subscribers to --- in SD, if in possession of MIB. (90)
10110-184	C, MIB 9/9/18	Req. list of subscribers of "Mother Earth" (268)
10110-728 2	MIB Apr. 20-18	Fwds. in re change of address NYC hdqrs. of Mother Earth Pub. Co. from No. 226 Lafayette St. to #4 Jones St., Carl Newlander in ch. (113-15)
SEE 169-8 List	M/A The Hague Oct. 12-18	P. C. 36483
10632-93	SEE	J. B. HERNANDEZ
10175-638	NYC PCC April 1-19	Repts. --- receives suppressed publication "La Protesta, Lima Peru." (36)
NYC PC 129671 In Connection with Linn A. E. Gale P.F. 34040		
9679-80	IO Hawaiian Dept. July 13. 1922	Returns handbook giving <del>Alphabetical list of subscribers</del> list of subscribers to --- by Emma Goldman. (328)

FORM 14-A, O. C. S.

3-2649

The Emma Goldman Papers

Cross Reference Card [for Mother Earth and Mother Earth Bulletin, Washington, D.C.?] 1917 June 2 to 1922 July 13 / Military Intelligence Division [War Department]. - 2 p.; 22 x 28 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 165.  
Summary: Military Intelligence cross references its files on Mother Earth and Mother Earth Bulletin.  
Notes: Two shots of four pages.

MOTHER EARTH BULLETIN 4 Jones St., New York.		
FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
✓ 10110-148 C	DJ May 19/18	Repts. re Seditious publicatn fr. --- publd. @ 20-East 25th St. NYC, wh. was distrbtd. @Camp. McArthur (35)
SEE	C, MIB-June 10 IO-SD	Adv. that investig. shows dangerous nature of propaganda of ---; will be informed when report is ready to be made; recommends that a close watch be kept to prevent the delivery of this leaflet to soldiers. (29)
		P.C. 332700/ P.C. 36483 P.C. 31756
✓ 10110-510 X	Apr. 24-18	Fwds. photostat re Seditious Publication fr. Mother Earth distributed @ Camp McArthur Add. to Pvt. John Olson, Waco, Tex. Investg. shows no name of soldiers @ Cantonment, Waco, Tex. (113-182)
184 C	June 8-18	Memo re --- M. Eleanor Fitzgerald present head; direct c/w Gertrude Barrett, Los Angeles of Laaky Co, suggests watching films of this Co. (33)
✓ 10110-184 C	IO-SD July 27-18	Steps taken to keep all subscribers to --- under observation. (90)
✓ 10110-184 C	PC, San Fran to C, MIB July 19-18	Rec. list of subscribers to "Mother Earth" (203)

MILITARY INTELLIGENCE BRANCH, EXECUTIVE DIVISION, GENERAL STAFF.  
CROSS REFERENCE CARD. 3-5448

FILE NUMBER.	DATE AND NAME.	PURPORT OF COMMUNICATION.
✓ 10110-184 C	Pos. Cen. Feb. 28-18	Fwds copy of --- by Emma Goldman to Salud & Fuerza, Principal la Barcelona, Spain; contains editorial & other anti war propaganda. (Ew)
	Pos Cen Mch. 4-18	Repts re interceptd copy of --- to Merino del Valle, Buenos Aires, Argentine for Feb. to La Accion Obrera, Buenos Aires; also list income & disbursements of Political Def. Fund of IWW. (Fx)
	Mch. 6-18	Comment on Feb. no. of --- in which Goldman invites friend to write to her & Berkman in prison & sign full names; copy intercepted to "La Proteesta" Lima, Peru. (T)
	IO, WD, 3, 10-18	Fwds copy of ---; "must be some way of stopping communications of this nature fr leaving place of confinement of Goldman & Bergman; blvd sent thru mail. (Fx)
10110-267	C, MIB Apr. 9-18.	To Warden Fed. Pen. Atlanta; Fwds. inf. that Emma Goldman is carrying on publication of "MOTHER EARTH" thru Miss Cummings & advs. greater restrictions on her. (90)
-184	ONI. Apr. 18-18	Hdq. of --- moved fr. 226 Lafayette St. to #4 Jones St. Carl Newlander in charge. (90)
10110-335	IO-SD Mch. 8-18	Fwds. DJ rept. re Maurice Wad, Houston, Tex. recvd. & distributed. numbr. Jan. issues --- (78)

FORM 14, O. C. S.  
Ed. 11-25-16-10,000. 3-2329



# The Emma Goldman Papers

[Letter] 1917 June 2 [Washington, D.C. to] William M. Offley [Division Superintendent, Bureau of Investigation, Department of Justice], New York / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski asks Offley to investigate the activities of the No Conscription League.

Notes: Dark copy. For enclosure, see 880603014.

June 2, 1917.

William M. Offley, Esq.  
Box 241,  
New York, N. Y.

Dear Sir:

I enclose herewith, a telegram from Special Agent DeWoods, regarding a circular signed by Alex Bergson and Leonard Donahue and M. E. Fitzgerald, emanating from 20 East 125th Street, New York, urging opposition to registration.

I assume that this has already come to your attention. If the manifesto does call for actual forcible resistance, special attention should be given to the matter.

Very truly yours,

Chief.

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# The Emma Goldman Papers

[Letter] 1917 June 2, Cleveland, Ohio [to A. Bruce] Bielaski [Chief, Bureau of Investigation] Department of Justice, Washington, D.C. / [Charles?] DeWoody [Agent, Bureau of Investigation, Department of Justice]— 1 p. ; 24 × 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Agent DeWoody informs Chief Bielaski that Berkman, Leonard Donahue, and M.E. Fitzgerald are organizing resistance against draft registration.

**Notes:** Broken type. Enclosed with 880603015.

COPY

Cleveland, Ohio, June 2, 1917.

Bielaski,  
Department Justice,  
Washington, D. C.

A manifesto was received by Raymond Cega Youngstown, Ohio, on the twenty-ninth signed by Alex Bergman and Leonard Donahue secretary and M. E. Fitzgerald, financial secretary emanating from twenty east hundred and twenty five street, New York, requesting contributions of money and demanding energetic action in resisting registration circular said to call for actual resistance manifesto also directs holding a mothers no conscription meeting all over country on evening of June fourth.

DEWOODY.

og - 15446  
see 2

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# The Emma Goldman Papers

[Telegram] 1917 June 4 [Washington, D.C. to J.W. Preston] U[nited] S[tates] Attorney [Department of Justice], San Francisco / [Thomas Watt] Gregory [Attorney General, Department of Justice].— 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

**Summary:** Gregory orders the United States attorney in San Francisco to defer the grand jury investigation of Goldman and other anarchists until after draft registration day.

**Notes:** Reply to 810113012.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

TELEGRAM

WCF-DHR

June 4, 1917.

186233-13-2

United States Attorney,  
San Francisco, California.

Summed Direct official attention today and tomorrow to prevention of evasion of law and giving of aid and encouragement to those who would evade it. Let grand jury defer investigation as to anticonscription literature until registration is completed.

Gregory

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## The Emma Goldman Papers

[Speeches before Mass] Meeting of No Conscription League, Hunts Point Palace, New York / Leonard D. Abbott, Alexander Berkman, Emma Goldman, *et al.* — 1917 June 4. — 33 p. ; 28 x 21 cm.

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*Summary:* A stenographer, probably paid by the No Conscription League, records all the speeches and audience responses at a mass meeting held on the eve of draft registration day. Berkman, Goldman, Leonard Abbott, and Stella Ballantine are among the speakers.  
*Notes:* Handwritten corrections by unknown individual.

### MEETING OF NO CONSCRIPTION LEAGUE.

Hunts Point Palace - N. Y. C.

New York, June 4th, 1917.

LEONARD D. ABBOTT, ESQ., (CHAIRMAN)

THE CHAIRMAN: My friends, I ask you to keep control of yourselves. If any party or parties try to make trouble, ignore them. We are here tonight to assert the power of an idea against the power of physical force. We are here tonight to assert the power of freedom as against the power of authority.

All through history free ideas have had to fight for their right to exist, and men and women have had to go to prison, and in some cases to lay down their lives, in order that freedom might go forward. We are fighting the latest engagement in this eternal war for freedom, in this hall tonight. We say to militarists who are trying to force Americans into the ranks of Militarists throughout the world, into the ranks of the same militarists that have made of Europe a shambles, and that are still slaughtering men and women and children.

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...to say to them, "Enough, you can go as far as you want to go, but no further." We say to them, "Go to Europe to fight the Germans, if you want to, but don't try to drag us with you when we are unwilling to go." (Applause). We say to the militarists, "We are not interfering with you, but you are interfering with us, and if you try to take us by force we shall resist." (Great Applause.)

We hear a great deal about Anarchism in the present fight against Conscription. If Anarchists are prominent in this fight, it is because they have the courage of their convictions and are not afraid to express their convictions. Anarchists show their convictions and show their convictions in war times as well as in times of peace. They recognize that war is the very test of anti-militarist sincerity. It separates those who are sincere from those who are insincere. The man who declares himself in anti-militarist in times of peace and then abandons his convictions in times of war and danger is not an anti-militarist, he is a weakling. And the paradox of the present situation is that Anarchists, although they do not claim to be patriots, are upholding American principles. Conscription is un-American, is immoral, and as many people believe unconstitutional.

There is a provision in our Constitution forbidding involuntary servitude. If conscription does not

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... involved in servitude, then I don't know the meaning of these two words.

A year ago, our American Nation was unwilling to commit itself to the principle of Conscription and Conscription was at least a debatable question; now the authorities talk of inflicting the death penalty on those who oppose Conscription, in spite of the fact that the opponents of Conscription today take the same view that the overwhelming majority of the American people have taken before. A few months ago President Wilson said he had been unable to find out what the war is about. He intimated that it did not concern us in America. He said a few days ago before the Red Cross in Washington that we had no special grievance against Germany. Two years ago the President was too proud to fight the Germans; now it seems the Germans are too proud to fight us -- at least they have not made a formal declaration of war against America. Then, why in the name of humanity and common sense drag America into this war, or turn this country into an armed camp? Why follow the mistaken roads that all European countries have followed and pile up armament upon armament? Why send the flower of our young men to the trenches? Why don't the old men go? We can spare them better than our young men. This is not our war. This is not a war in which social revolu-

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tionaries can have any real interest. The war has been a mistake, it seems to me, almost without exception. The Russian Revolution is the only good thing, the only decent thing that has come out of it. (Tremendous Applause.)

Do not forget that the present Conscription Law is only the thin edge of the wedge; don't forget that it is merely the beginning of the large opening that will bring the military monster into our homes, and as it grows stronger it will become more greedy, and the love for conquest will take possession of it, and the next thing that we will be required to do will be to conquer Mexico. That is the natural progress of militarism. If you believe in this war, go ahead, but don't force us. We have as much right to our principles as the militarists have to theirs.

I honor that great American Henry D. Thoreau, who wrote of the duty of Civil disobedience, and we are following him and his doctrines. We believe the time will come when the highest conscience of humanity will be shown in civil disobedience to unrighteous requirements of the powerful few.

Militarists talk of giving patriotic service to the nation. But there are two kinds of service, and there are two kinds of nations. Which nation do they

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men? There is a nation composed of exploiters, capitalists and the militarists. And there is a nation of exploited working men, of persecuted labor bodies. The first, the capitalists, we regard as our enemies. To the second class, the workers, the labor leaders, we pledge our deathless loyalty. We join hands with our comrades throughout the world. One of the inspiring circumstances of the times is the formation in England and elsewhere of workingmen's councils, such as there were formed during the Russian Revolution, the sole object of which is to work for the people's peace.

We say that we are men without a country, but in saying that we assert kinship with all in all countries. Yes, my friends, as our young Anarchist, Louis Kramer, said a few days ago, "We are citizens of the world, and we are the true patriots and the true lovers of all the people, and we do object to militarism and enforced servitude." I say to you, my friends, that a country must have a guilty conscience, when it arrests young men on no other grounds than giving out hand bills for this meeting, and fixing their bail at \$7,000.00. A country must have a guilty conscience when it arrests young college boys and girls, when their only crime is that they are sincerely against militarism. (Applause.) I say to you that a country must have a guilty conscience when

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men and women are arrested on flimsy or no charges, when meetings are broken up on flimsy pretexts or without any pretext, when radical papers are suppressed and when radical headquarters in many cities are raided. If these are the first fruits of militarism, what will be the complete harvest?

I don't know how many young men will refuse to register and be conscripted tomorrow, but I do know that the young man who shakes off the bloody paw of militarism when it is laid on his shoulder, who refuses to be shipped to the trenches of Europe, I do know that young man is doing something that is of unquestionable value, not only to himself but to all humanity and to all posterity. (Applause) The young man who out of a keen sincerity and idealism refuses to take arms in a cause which he does not believe is stronger than any or all the governments that ever existed. (Tremendous Applause) Down with militarism. And down with the state that cannot maintain itself except by forced service. (Tremendous Applause)

We have a number of speakers here tonight, some of them young men of conscriptable age, and some few others. Some of them are beyond the conscriptable age, and are not themselves liable, but who fight in this issue just as if they were liable themselves. The

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first speaker is a young man of conscription <sup>7</sup> is the  
headmaster of a modern school at Stony Ford, New York.  
I take pleasure in introducing Mr. Robert H. Hutchinson,  
but before I close I want to say that Anarchists are  
not afraid to go on the firing line. That is not the  
reason. The reason is our underlying principle, the  
very foundation of our belief, that this is wrong. We  
are against it now and we always will be. (Applause)

MR. ROBERT H. HUTCHINSON: My friends, if we  
go into this war to beat the German armies we may be suc-  
cessful, but we are liable to be conquered ourselves  
by a much more insidious power than armies. Let me re-  
call to your minds how it was that the Roman Empire in  
the second century B.C. conquered the little country  
of Greece. The army of that little country went down  
to destruction against the Roman fighting machine, but  
in the end it was the Greek Civilization that conquered  
the Romans. The Romans took over the Greek Government;  
Roman writers imitated Greek literature; Romans imitated  
Greek architecture. But when Rome had run her course  
and the barbarians from the North came down and made  
themselves possessor of what was left of the Roman Em-  
pire it was Roman civilization that reconquered the  
barbarians. Now, is history repeating itself? Is it  
possible that the United States will go into this war  
against Germany and beat the Germans by arms, and in the

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and be conquered by Germany? When I say Germany I do not mean the mass of people within the confines of the German Empire I mean the type of civilization which the ruling classes there have worked out. I mean Kultur. What does "Kultur" mean. There are two sides to it. On the one hand there is the idea of a kind of state socialism in which the State enters into every phase of human life for the purpose of eliminating waste and making the people act more as a single unit. This can best be translated by our word efficiency. The other idea involved in the conception of kultur is that of absolute, unquestioned obedience to authority. In one sense kultur means a system, an efficiency, which the ruling classes of Germany have worked out for the increase of their own power. That is not the kind of kultur we want here in America. What difference is there between what we hear nowadays around such places as this, what difference is there between our modern Americanism and this kultur? What difference is there between German efficiency and American efficiency?

What difference is there between the Subordination of individual liberty, whether it is in Germany or the United States? If we here really believe in freedom and democracy, if we really hold that the rights of the individual are important, let us not fight against a

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German organization, but let us fight for this kultur, both this side of the Atlantic and the other side of the Atlantic, everywhere. Let us stir up the people to fight for real freedom that democracy means, let us stir them up to fight for more than the mere word; let us stir them up to fight so that freedom and democracy be made facts and maintain as facts, not merely words. (Applause) Let us not be fooled, and let us not permit others to be fooled. We are not in danger of the German Armies; we are in danger of this kultur. It has been conquered England and France, and it has now taken possession of America, in a way. It is a great invasion of individual rights. We don't want guns and bullets; we want propaganda and education. We don't want poisonous gases, we want fresh air. And neither do we want that word Liberty to remain a word; we want it to become a fact. (Tremendous applause)

Therefore I ask you to join me in demanding that this Conscription Law be repealed, (Applause) or at least that some kind of an amendment will be made to it that those who are conscientiously really against war of any kind will be allowed to follow out their principles unmolested and in freedom. (Applause)

THE CHAIRMAN: The next speaker will be a young mother, Mrs. Ballantine,

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MRS. BALLANTINE: My friends, it is comparatively easy for me to come here and speak to you because I have a son who is only fifteen months old. When I think of mothers here whose sons have to be sent to these bloody battles, with which they have no sympathy, it just horrifies me. I don't see how they do it. To me the whole subject of motherhood has become so terrible, that I cannot think of my little son with equanimity! He is a perfect physical specimen, and when I think I may bring him up to perfect manhood to be taken away without his consent or mine I think I have committed a crime against humanity. They say that this is going to be the last war, to placate people whom they know are opposed to them. There is a book which has just come out, written by some French poillou, the French word for soldier, in which he describes the conditions at the front, and the conditions that meet the soldiers there in the trenches. He describes the way they live, in water up to their waists, cold and freezing weather, the consequence of diseases, and the vermin with which they are covered. Have I to give my son for that? I would rather he die. And I say to women, "Don't breed. Don't have any more children if that is what you are bringing them up for." (Applause)

That is not what we give life for. Life

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should be a beautiful thing, a thing to develop and flower, instead of a thing to be a mass of wounds and sores and horrors, left on some battlefield. I make my protest as a mother, and as an individual to mothers -- don't, don't, don't, don't give your children (Applause)

THE CHAIRMAN: The next speaker is a young man of Conscriptable age, Peter Kane, Jr.

MR. PETER KANE, JR.: My friends, you will have the police soon. My friends, great sacrifices have been made this evening to get you here. I would like to tell you a great many things, but America does not permit me. (Applause)

A VOICE FROM THE GALLERY: You had better go back to Russia.

MR. KANE: I am going back there if you don't go with me, soon. My friends, two noble boys were arrested at Madison Square Garden getting you here this evening, and I beg to say in spite of that there is a standing army on the outside, with their protest, telling President Wilson how much they love Conscription. (Applause and Cheers)

I am a free born American Citizen and it is my duty to preserve those institutions of democracy that mean liberty of principle of conscience, (Applause and Cheers), and I am willing also to give my insignifi-

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cent life to preserve those institutions that the fore-  
fathers of America fought for. If our dear country is  
fighting a war for democracy my dear brethren, we should  
have this democracy at home first. (Applause and Cheers)  
Any attempt to violate the laws of true democracy should  
be crushed by the will of the people who love democracy  
(Applause), and tomorrow on June 5th you will have your  
opportunity to crush those laws that destroy democracy,  
and I for one, my friends, will side with your dear  
patriot, Patrick Henry. As for me, gentlemen, give me  
liberty or give me death. (Many hurrahs and great ap-  
plause)

A VOICE FROM THE GALLERY: Three cheers for the  
Stars and Stripes. (Applause)

MR. KANE: If that individual who made our dear  
Star Spangled Banner could see us today, she would say,  
why did I ever say Liberty? I may be brought to task  
for saying these things, my friends, but don't fear that,  
for I am a Democratic American Citizen, who has the be-  
lief, at least, that I have the right to speak what I  
think. I cannot allow any law to interfere with the  
freedom of my conscience, and I am not going to allow any  
sect to provide any law under a democracy that stands  
for a representative Government to drive me to the  
slaughter of my fellow man. I refuse to become a

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murderer under any pretense whatsoever. (Applause)  
Law exist only by the belief of a people in their  
necessity for the achievement of the Liberty of Jus-  
tice and Righteousness. We believe that any law  
odious to democracy, endangering the preservation  
of freedom of thought and conscience, is tyrannical  
and fit for autocracies only. We liberty-loving  
American citizens want this body governed by militar-  
ism crushed and we cannot and will not tolerate any  
attempt to Prussianize America under any pretense what-  
soever. (Applause and something, evidently an electric  
bulb, thrown from the gallery and striking at the feet  
of the speaker.)

MR. KANE: Will the law and order committee  
provide that I speak safely? (Laughter) We, the people,  
make governments and are the final judges as to what  
shall be enacted as laws. Our representatives voted for  
war; it is true, but we, the people of America, know the  
horrors of war, and we did not and do not want war. In-  
deed, our representatives did not represent us. We  
therefore repudiate a declaration of war until the  
American people, the masses, the workers, who do the  
fighting and pay the taxes for a war are given the  
right that true democracy guarantees, the right to de-  
cide by a referendum whether or not they want war.

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(Great Applause and hurrahs.) Taking advantage of the Government machinery that can be manipulated to suit those people who our representatives seem to be considering more than the people, a law was railroaded through Congress in some manner declaring a war that the people do not want to. And I say here to you now, my brothers, that I, for one, will not uphold any law that does not come within the written Constitution of the United States of America. I will take no steps and leave it to the conscience of every man who wants democracy, who understands what this country fought for to get democracy, not to uphold that law. (Applause) It is in your power. Do it.

THE CHAIRMAN: The next speaker is not only a mother, but a grandmother. I ask Mother Yuster to step forward. Mother Yuster is a Rumanian and asked me to translate some of this to the audience.

(A lady stepped forward and stood by the Chairman while he proceeded.)

THE CHAIRMAN: I am now speaking for her. I come here tonight with my heart full of sorrow. I want to say these few words to the audience; as my vocabulary is limited in English and my voice is weak. We mothers have not given our lives to bring up strong, healthy fellows to make <sup>of</sup> them murderers and slaughterers of their fellow

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men. (Applause) I thought we should be in a civilized world where they could be used for better of society and make the world better and not worse. I know that I voice the feeling of plenty of other members when I voice my feelings, that we will never allow our sons to be conscripted. We have put our lives in danger by giving birth to them; we are willing to give our lives to save them. Let those go who want the war; no one stops them. Mothers wake up. Realize what this means. ~~Don't allow your sons to go to the war.~~ (Applause)

THE CHAIRMAN: The next speaker is one you all know, a life long fighter, not <sup>only</sup> against militarism, but against everything that crushes the human spirit, a man who went to prison for fourteen years in the fight for liberty. I present to you Alexander Berkman. (Great Cheers.)

ALEXANDER BERKMAN: Comrades, friends and enemies (Great Applause) and everyone who believes in freedom of thought and liberty. We had a demonstration here a moment ago as to who believes in free speech. The militarists, the false patriots and the others have mass meetings tonight. They have mass meetings this evening. They have meetings tomorrow. We did not send our men to disturb their meetings. (Great applause and hurrahs.) ~~and~~ Who believes in liberty? Do we believe in

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liberty or do they? We say to you, and I mean all of you, I mean these detectives, these Federal men, soldiers and sailors, we say to all of you, if you want war, go ahead. We believe in liberty, but you can go ahead. (Applause and cheers.) But we say further to you, if you believe in liberty, if you pretend to fight for liberty and democracy how can you force us to do what we don't want to do? (Great applause and cheering). I see a few, or rather quite a number of young men in uniform in this audience, and I want to know when they look into their own consciences if they do not think that I am not making <sup>florid</sup> a <sup>that</sup> speech, but I am talking common sense. That should appeal to you, if you really have a sense of justice. America says we are going to fight Germany. Why? They say we are going to fight Germany because we want to give them liberty and democracy. If you believe that you can give a people liberty and democracy from the outside, if you believe you can give a people or a nation liberty at the end of a bayonet or with bullets, go ahead. We don't object. We shall not interfere. But if you are so generous with liberty as to carry it to Germany across the sea, why don't you retain liberty right here in this country. (Applause.)

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A VOICE: Are you a citizen?

**A**LEX. BERKMAN: I have the floor just now. If you want the floor later, we believe in free speech and will give it to you. There is no greater boon in the world than liberty. There is nothing greater in the whole universe than freedom of conscience, freedom of opinion and freedom of action, in short liberty. But it is we who are fighting for liberty, and no one else, not those who oppose us. We have been fighting for liberty for many years, and even for the liberty of those who oppose us. (Great Applause).

A VOICE: You know what. Rabbi Wise said?

OTHER VOICES: Shut up, shut up.

(There were many boos and great confusion. Some one threw something at the speaker.)

**A**LEX. BERKMAN: I want this man to speak out what is in his heart. That is all right. I say this is a solemn moment. Men and women and soldiers and others, do not make light of this. You are the sons of mothers, even if you are in uniform. You want to go to the front. All right. But consider what you are doing and consider whether you have the right to suppress those who do not believe as you do. Consider well, especially if you pretend to fight under the banner of free

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speech and liberty. Consider that. Take it to you  
you to your barracks. Think it over. You have never  
heard patriots talk to us like that. We talk to you  
like that. We don't throw glasses or bricks at you.  
We say to you consider, look into your own hearts and do  
what you think is right. But you can't think it is  
right to suppress the other fellow because he thinks  
differently. You can't believe it in your own hearts  
or you would have less to say in opposition to us, and  
you would be less, much less than human. We are here to  
say what we believe, just the same as you are in a  
hundred and one halls all over the City, in thousands of  
halls all over the country today to say what you believe.  
That means liberty of speech, and for liberty I am the  
first to fight. (Great applause.)

This is a most serious moment. Let me tell  
you, if you know what is happening in the country today,  
that you know that this is one of the most tragic moments  
in the life of this country. Don't make light of it,  
because it is the most terrible and tragic moment in  
the life of the country. Conscription in a free country  
means the cemetery of liberty, and if conscription is the  
cemetery then registration is the undertaker. (Great ap-  
plause and cheers and boos, and something thrown at the  
speaker that looked like a lemon.)

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... all right, I am talking to you ; you can talk later. (Some one in the gallery threw something at the speaker and said something the stenographer could not understand.) Those who want to register should certainly register, but those who know what liberty means, and I am sure there are thousands in this country, they will not register. (Many hurrahs and great applause.) There have been many black days, many black Fridays, and black Sundays in the history of this country. Black days for labor when those who feed you were shot down on the streets because they were for better conditions of living. There have been many black days for labor. But there is going to be a blacker day, not a black Friday, but a black Tuesday. (Great applause) And I believe that those who realize the full significance of forcing a supposedly free country into an armed camp, those who realize that should put on mourning tomorrow. They should mourn the loss of the country's liberty. It is not a day for rejoicing. You rejoice over something that brings you happiness, joy, freedom. But something that means your further enslavement, something that means the coercion of you to do things against your conscience, against your nature, against the dictates of everything that is fine in you -- things like that should be mourned and wept over, and not made a holiday of. It is a tragic

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moment to me, for as I love the American people more  
than those who want to enslave them towards the profit  
of Morgan and others. (Applause)

Neither the soldiers of this country nor the  
workers have any enemies across the ocean. The soldiers  
and the workers and all those who really have to work  
mentally or physically, for their bread and butter, they  
have no enemies there. They have an enemy right here in  
this country; (Applause) they have an enemy that makes  
money, millions and billions of it, out of your blood,  
out of small children and widows, by putting them in  
sweat shops, by working them all hours, (Great Applause)  
(Some one in the gallery threw something at the speaker  
which broke the glass on the table in front of him and  
the rest of the remarks to finish the sentence were not  
heard. ) Those are the enemies we have.

A VOICE: You are the enemy.

A. BERKMAN: I have no more love for these  
exploiting American enemies than I have for the German  
Kaiser. (Some one in the gallery shouted, "go back to  
Europe where you belong. You are not an American citizen  
anyhow." Also some one threw something that broke one  
of the electric globes in the footlight row.)

A. BERKMAN: No, no, gracia. Hence, consider  
a certain country across the ocean. Look at Russia.

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There are workers and soldiers there. (Great applause and confusion. Many voices from the gallery.) You believe in free speech, go and fight for your country. They are soldiers the same as we have in this country. They are workers the same as we have in this country. And let me tell you they know that eight hours is a working day there. (There was considerable confusion in the gallery, and evidently a struggle of some sort went on up there.)

No argument there (Referring to the gallery.) Sit down. Everybody keep their seats. (There was great confusion, people standing up around the hall.) Keep your seats. We know there are men here to break up this meeting.

~~EMMA GOLDMAN: One moment. These are United States soldiers here who are on duty. Soldiers, now, no argument there.~~

~~MR. HANCOCK: These are American soldiers.~~

(Meanwhile there was great confusion throughout the hall.)

A. BERKMAN: I don't believe these soldiers are real Americans. My friends, do you know what is happening in Russia today? Do you know that eight hours work is what the workers want in every country? Do you know what is good for the workers? Do you know what the

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soldiers of Russia are helping the world in this  
country to do? Do you know that after all the cause  
of the soldiers and workers is the same everywhere.  
(Great excitement, *Emma* *takes the platf* *fanny*)  
Goldman assumes the

MISS EMMA GOLDMAN: Please be quiet; please  
be quiet. (Great applause and cheers.) Friends and  
fellow workers. Friends, don't you know that the  
soldiers came here to disturb the meeting? (Many voices  
yes, yes. ) I ask you all to keep quiet, no matter what  
the soldiers do. I demand of you to keep absolutely  
quiet. Let them disturb the meeting. We are not  
going to disturb the meeting. (Applause)

Friends, workers, soldiers, detectives and  
police. (Laughter and hisses and applause) I am going  
to speak to you all. I am surprised that the police  
here don't stop the soldiers from breaking the lights.  
(Hurrahs and applause. Throughout Emma Goldman's re-  
marks she was so frequently interrupted by applause  
that reference will not be made to the times.) Friends,  
please don't applaud, time is too precious. If the  
police don't stop the soldiers from breaking the law  
is it because the police are afraid of the soldiers? I  
hope that they will preserve order. Now, friends, if this  
meeting would not take place at all, I think you should  
know that there are twenty thousand people outside waiting

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to get into this hall, to prove to you more than anything that we can say that the people of New York who think, don't want war and don't want conscription and don't want militarism. At the same time we consider ourselves more consistent than those who believe in war and believe in militarism. We say that those who believe in war, believe in conscription and in militarism and should do their duty and fight. We have no objection against it, but we refuse to be compelled to fight when we don't believe in war and when we don't believe in militarism and when we don't believe in conscription. Now, why don't we believe in war and in militarism? The good papers of this city have told you that because we are pro-German, we do not believe in war and we do not believe in militarism. That is an unbelievable lie. I am just as much opposed to the German Government as I am to the American Government -- and why do I not believe in militarism? I will tell you why. When I was eight years of age my father had a government position, and every year compulsory military registration was required. The highest officials of Russia would come to our place, the heads, the representative of militarism, and would there compel the youth of our land, the peasant boys to become soldiers. And at that time the mothers and

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the fathers of the whole community turned out in mourning and considered it a day of sorrow and of the kind of pain when their sons were taken away into the army. It impressed itself with indelible power upon my mind and upon my conscience. Ten years later, when I came to America, I was told that this was the land of the free, that no man is compelled to be a soldier in America. I actually believed that this was the promised land, the land that rests upon freedom, upon opportunity, upon happiness, upon recognition of the importance and the value of the young generation. But since that day twenty seven years almost have passed, and I have come to the conclusion that when the law for conscription was passed in the United States the Funeral March of 500,000 American youths is going to be celebrated tomorrow, on Registration Day. I am opposed to Militarism because I have seen since my early childhood what it means to sacrifice a young man, who has hope and youth and a life of opportunity before him, on the altar of militarism. I, therefore, promised myself, even as a child, that as long as I lived, and as long as my voice carried, I shall cry out against compulsory militarism, against conscription. My friends, we are told that the people want war. If the people of America want war, if the people of New York City want conscription, how does it happen that this

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city is going to muster not only the entire police department, but the National Guard and a body of parasites known as the Home ~~Guard~~<sup>Guard</sup>, who have nothing else to do. Now, my friends, I ask you why do you have to muster up your police, soldiers, Home Guard and National Guard to celebrate your Registration Day? If the people want war, why so much police, why so many soldiers to compel them to become soldiers? If the people want war, why not give them a chance to say that they do? If you want to sacrifice their sons upon the altar of militarism, why not give the people a chance to decide? Those in power knew that they could not put the people to a test; they were afraid to put the American people to a test, and that is why they imposed war upon them, and barely six weeks later imposed conscription upon them. Therefore, I as an Anarchist who became an American out of choice, protest. You patriots, you born Americans, you became Americans because you had to. You were dropped on this earth. I had no choice whatever, but I came to America out of my free will, and I, as an American out of choice, say that if you force people into militarism, if you force our young men into the Army, please have the decency to say that you will Prussianize America in order to democratize Germany. (Tremendous applause). You must realize that you will be making a laughing stock out of

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yourselves. Nobody believes you. Don't you suppose that the fact that you are breaking up meetings and causing disturbances and locking up boys and girls and disturbing and harming people, don't you suppose those things are known abroad? How much the Russian peasants and the workingmen must enjoy themselves when they hear of this wonderful democracy in the United States.

I understand, friends, that a meeting of Russian soldiers was stopped in this city tonight. I am glad of it. The Russian soldiers will go back to the Council of Workmen and Soldiers and they will tell them that when America says she is fighting for democracy she is telling the world a lie. She is not fighting for democracy. I say that those who sit in a glass house have no right to throw stones about them. Now, friends, I am here frankly and openly telling you that I will continue to work against Conscription. We are told that you have stenographers here to take down what we say, this is not the first time we are having stenographers at our meeting. And I have always said things that everybody can hear, and what is more important I want the police and the soldiers to hear what I have to say. It will do them good. They need education. Now, friends, if I do not tell you tonight not to register, it is not

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because I am afraid of the soldiers, or because I am  
afraid of the police. I have only one life to give, and  
if my life is to be given for an ideal, for the libera-  
tion of the people, soldiers, help yourselves. My friends,  
the only reason that prevents me telling you men of  
conscriptable age not to register is because I am an  
Anarchist, and I do not believe in force morally or other-  
wise to induce you to do anything that is against your  
conscience, and that is why I tell you to use your own  
judgment and rely upon your own conscience. It is the  
best guide in all the world. If that is a crime, if  
that is treason, I am willing to be shot. It is a wonder-  
ful death to die for your ideal, but I impress it upon  
the minds of patriots present, I impress it upon the  
minds of the police present, upon the minds of the  
soldiers present, that for every idealist they kill  
thousands will rise and they will not cease to rise until  
the same thing happens in America that has happened in  
Russia. Don't you know, friends, that there was a time  
when Russian soldiers locked up every idealist and sent  
them to Siberia and to underground prisons and suppressed  
free speech and assembly and tortured them to death. Yet  
today the whole civilized world, including the United  
States Government, is trembling in its boots before The

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... of Workmen and Soldiers who are standing for  
liberty. And, friends, young men, soldiers, I am not  
afraid. I am not afraid for all you can do is to take  
my life -- you can never take my ideals. Neither the  
police nor the soldiers, nor the United States Government  
nor all the powers on earth will take my ideals. My  
ideals will live long after I am dead.

Now, friends, I come to something else far  
remote from what I have to say tonight, and which is  
unfortunately always my luck. The newspapers were good  
enough to say that all of our meetings are paid for by  
the German Kaiser. Of course, they know better. They  
know that if the German Kaiser paid for this meeting,  
we could have the largest hall in town and invite the  
police. They know perfectly well that we are not paid  
by the German Kaiser. No, friends, you workingmen and  
working women, who are here tonight, you have to pay  
for tonight's meeting, nor the German Kaiser. I am going  
to appeal to you, --- because this meeting has to be paid  
for by your money, and in the second place, to demonstrate  
to the gentlemen of the press, present here tonight, to  
the soldiers and to the police, and to the detectives,  
that the money which you are going to give is hard earned  
American pennies, the amount of money your masters are  
good enough to give you in return for the amount of wealth

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which you are producing every day. And so, friends, I appeal to you tonight to give liberally, to give as much as you can, when the collectors go through to pay the expense of the meeting. We are very fortunate that we don't have to pay for our protection. We get that perfectly free. We are very grateful that the soldiers are present tonight. It is the only time in our life and their lives that they have heard the truth, and I am glad they are here, and so friends, when the collectors pass, please give as generously and as liberally as you can, and give only if you are opposed to war, and if you are opposed to militarism and conscription. I shall then have a word or two to say after the collection is over.

Meanwhile I call the attention of you soldiers to the fact that if you wish to demonstrate that you believe in American Institutions you will behave yourselves like gentlemen, not like ruffians. (There was considerable confusion throughout the hall and up in the gallery.) Now, after the collection, I shall have a few closing remarks to make, and I am going to stand here until you are through with the collection. (Some one asked for three cheers for Emma Goldman, and the response was tremendous. Cheers and applause, mingled with boos and also some cheers for Alexander Berkman.) Friends, don't please

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: Be a mistake, Don't shout hurrah for Mr. Goldman or Alexander Berkman, because they are mere incidents in the history of the world. It is better to shout hurrah for the principles of liberty. That is better than one Alexander Berkman or one Emma Goldman, or one hundred thousand Alexander Berkman and Emma Goldmans. They will go, but the principle of freedom, the principle of self possession, the principle of self emancipation, the principle of social revolution will live.

Friends, the collectors can go on quietly and continue their work. (There was great confusion throughout the hall at the time and Miss Goldman quieted the audience. Every one became quiet again.) Don't forget friends, that the opposition to conscription only begins, it does not end tonight. Do not forget, also, that the work for Peace, for International Peace only begins. I know, friends, who are here tonight, that you will be glad to learn from the note just sent up that fully twenty thousand people are outside of the hall. Dear Friends, I congratulate the press of New York. ~~The press of New York.~~ The newspapers of New York have rendered our Anti Conscription work more service than a thousand Emma Goldmans could render. Of course, the press did not desire to have twenty thousand people at such a meeting. What the press wanted was merely to

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**Notes:** Handwritten corrections by unknown individual.

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putting you into silence, to make you believe that you are going to be imprisoned for this and be shot on the spot. It is too bad that America cannot hang you and quarter you and shoot you all at once, for the press would be in favor of that. These blood curdling articles that appear are only for the purpose of paralyzing you. They don't know, the poor chaps, that if anyone has an ideal you can't terrorize him no matter what you do. So I am personally grateful to you -- to the press. I am grateful to the police for having sent out so numerous an army, grateful to the young soldiers who really mean no harm. They are innocent boys. They have never yet faced danger. They think it is going to be a picnic; they think they are going to enjoy themselves, poor young gentlemen. I wish you could go to war and have a picnic. I wish you could enjoy yourselves, and I wish you could carry on your war as if it were a frolic, or as if it were a baseball or football game, but you are mistaken, as war means an entirely different thing. We know that war means the annihilation of every fundamental principle of liberty. We know that centralized militarism means nothing else but the carnal brutality of man, blood-shed and conquest in its most abominable aspect. We tonight of the Anti Conscription League raise our voices to the very sky to tell you that you may fight your battles, if

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## The Emma Goldman Papers

840305201

[Speeches before Mass] Meeting of No Conscription League, Hunts Point Palace, New York / Leonard D. Abbott, Alexander Berkman, Emma Goldman, et al. — 1917 June 4. — 33 p. ; 28 x 21 cm.

Permission to reproduce or quote in any form must be obtained from the Tamiment Library, New York University.  
Summary: A stenographer, probably paid by the No Conscription League, records all the speeches and audience responses at a mass meeting held on the eve of draft registration day. Berkman, Goldman, Leonard Abbott, and Stella Ballantine are among the speakers.  
Notes: Handwritten corrections by unknown individual.

You believe in the present, we believe in the future, we represent a losing cause. You represent the past and we represent the future. The Conscription Law has been the means of awakening the people of America. Before the Conscription Law was passed the American people used to think, why, we have freedom, we can do whatever we please, we can go to war if we want to and stay away if we don't want to. My friends, we are grateful to the Government for having passed the Conscription Bill for it will teach the American people that American Liberty has been buried and is dead and is a corpse, and that only our voice is going to raise it up and revive <sup>it</sup> again, until the American people and all the people living in America will unite in one great mass and will throw out capitalism and Government by militarism.

It was our intention to have a number of other speakers here tonight. They are all here. I don't want you to think for a moment that anyone backed out, but we are not going to give the satisfaction to the patriots to break up this meeting. Therefore, friends, I want you to close this meeting with the singing of the International and to go out quietly. Your friends on the outside are waiting, and you will all raise one mighty voice that is going to drown militarism and government and capitalism. (At the close of the meeting an old lady was

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**Summary:** A stenographer, probably paid by the No Conscription League, records all the speeches and audience responses at a mass meeting held on the eve of draft registration day. Berkman, Goldman, Leonard Abbott, and Stella Ballantine are among the speakers.

MEETING CLOSED.

# 199

# The Emma Goldman Papers

[Agent Report] In re: No Conscription League, Emma Goldman, A. Beckman—  
Anti-Conscription Activities, New York, 1917 June 4 / [?] W. Wright [Agent, Bureau of  
Investigation, Department of Justice]— 1 p.; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Wright reports that he posed as a newspaper reporter to investigate the No Conscription  
League and assess the prospects for criminal prosecution.

Notes: Broken type; barely legible.

Form 100-100

15846

RECEIVED  
JUN 7 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

W. Wright New York City June 4-1917

IN RE: NO CONSCRIPTION LEAGUE, Emma Goldman,  
Beckman,  
Anti-Conscription Activities.

Superintendent Cifley requested Agent Wright and myself to  
proceed to No. 20 E. 12th Street, and interview the above named  
persons. Arriving at the said address we found the abovenamed  
were out of the city for the day, but succeeded in interviewing  
one Sam Cumins one of the co-editors and manager of a publi-  
cation called, "Mother Earth". Said Cumins provided us with  
various pieces of printed matter, including a hand bill entitled,  
"No Conscription", copies of which have been circulated through-  
out the city of New York and elsewhere, and which are to be  
found among the files of this office.

Acting under the guise of newspaper reporters we inter-  
viewed said Cumins, who advised us as follows:

The object of said organization, which is presided over  
by the abovenamed, is not, primarily to oppose the enforcement  
of <sup>the</sup> Conscription Act, but to provide money and legal counsel for  
those persons who, claiming to act through conscientious  
scruples, see fit to oppose said Act. He admits that they are  
agitating against the policy of the Conscription law and they  
hope thereby that some kind of relief from the operation thereof  
may be obtained. It is apparent from the printed literature now  
being circulated that they advocate resistance to conscription,  
but whether such attitude will be maintained by overt act is a  
matter of future development.

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# The Emma Goldman Papers

No-Conscription Mass Meeting [leaflet] / [No Conscription League]. — [New York, 1917] June 4. — 1 p. ; 15 × 11 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** The Bureau of Investigation keeps copies of the leaflet advertising the No Conscription League's mass meeting at Hunts Point Palace.

**Notes:** Introduced as Exhibit 7B at Goldman's 1917 trial, see 810206005.

**NO-CONSCRIPTION  
MASS MEETING**  
ON THE EVE OF REGISTRATION  
**Monday, June 4, 8 P. M.**

**HUNTS  
POINT  
PALACE**  
953 So. Boulevard  
One Block from Hudson  
St. Subway Station  
All Buses Cars Transfer

ALUMNES OF  
NO-CONSCRIPTION LEAGUE  
OF NEW YORK



**SPEAKERS:** Emma Goldman; Alexander Berkman; Louis Baury;  
"Mother" Yuster; Mrs. Stella Comyn Ballantine; Mrs. Shapiro;  
Leonard D. Abbott; Kate Siebel; Rose Yuster; Robert H. Hutchinson;  
Louis C. Fraina; Winter Russel and others, among them young  
men of conscriptable age.

**DOORS OPEN 7 P. M.**

**Admission Free**      **Box Seats 25c**

**Mothers, Fathers, Sons—Turn Out in Protest Against Conscription!**

# The Emma Goldman Papers

[Letter] 1917 June 5, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster [Post Office Department]. — 1 p.; 34 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: The New York postmaster holds up the mailing of the June 1917 issue of *Mother Earth* pending instructions.

Notes: For reply, see 810128140. For letters mentioned, see 810128034 and 810128013.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.



June 5, 1917.

2 Encls.

Solicitor,

Post Office Department.

In connection with the letters of this office of May 8 and June 2 reporting the detention of copies of the May 1917 issue of "Mother Earth", I enclose copies of the June issue of this publication for the inspection of the Department. The entire mailing of this issue is held at this office for instructions as to the disposition which should be made thereof.

T. G. PATTEN  
Postmaster.

M-b

*Dep Justice*

# The Emma Goldman Papers

[Letter] 1917 June 5, Washington [D.C. to] Bureau of Investigation, Department of Justice, [Washington, D.C.] / W[illiam] H. Lamar, Solicitor, Post Office Department. — 1 p.; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Lamar forwards some no-conscription literature to the Bureau of Investigation.

Notes: Dark copy; barely legible. For enclosures, see 880306010, 880603011, and 870220001.

A-48591-W

13446 June 8/17 - Jc  
C. J. J. J.

Post Office Department  
OFFICE OF THE SOLICITOR  
WASHINGTON

RECEIVED  
JUN 7 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE  
June 5, 1917.

1876

Zill

Department of Justice,  
Bureau of Investigation.

Inclosed herewith please find a communication from the  
postmaster at Sacramento, California, with which is submitted  
copies of circulars that are being mailed in New York by  
Alexander Berkman.

W. H. Lamar  
Solicitor.

Enclosure.

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# The Emma Goldman Papers

[Telegram] 1917 June 6, New York [to] Jos[eph] P. Tumulty [Secretary to the President], Washington, D.C. / Hugh Gordon Miller. — 1 p. ; 14 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Hugh Miller urges Joseph Tumulty, secretary to the president, to put Goldman and Berkman in custody.

TELEGRAM.

67 15 446 file  
The White House,

Washington.

12WU. RA. 74- BLUE 11:42 a.m.

Da. New York, June 6, 1917.

Jos. P. Tumulty.

Though in midst of important trial did best I could in addressing thirty thousand of your fellow townsmen for cause last evening. Will cheerfully serve any way or time but protest against Emma Goldman and Alexander Berkman and such being given full rein to aid the enemy. They should be placed in custody. Placing silly Columbia schoolgirls in custody and letting such arch enemies do their worst is an absurdity and bowing to treason.

Hugh Gordon Miller.

RECEIVED  
JUN 8  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

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204



# The Emma Goldman Papers

810618034

[Agent Report] In re: Anticipated Emma Goldman Meetings on the West Side on the evening of June 5, Chicago, 1917 June 6 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. - 2 p. ; 26 x 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh submits Agent Handley's report on his unsuccessful efforts to determine where anarchist meetings would be held on the night of June 5, 1917, in Chicago. Handley found unpatriotic evidence in the form of an article, "Free Speech in Time of War."

15446

RECEIVED  
JUN 18 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

REPORT FORM NO. 1

REPORT MADE BY:	H. G. Clabaugh	PERIOD FOR WHICH MADE:	June 5 & 6
PLACE WHERE MADE:	Chicago, Ill.	DATE WHEN MADE:	June 5, 1917.

TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:

IN RE: Anticipated Emma Goldman Meetings on the West Side on the evening of June 5. 12

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

W. C. Handley, #1497, A.P.L., reports:

Information obtained in the afternoon of June 5.  
Hall - Southwest corner Taylor Street and Marshfield Avenue. Weinstein, agent for building; runs saloon in same building. Good American. Refused 6 months ago to rent hall to Emma Goldman. Would not rent same to Emma Goldman or I. W. W.

West Side Auditorium - 1010 South Racine Avenue.  
Owner, J. Bass. Talked to his daughter. No meetings for evenings of June 5 or 6. Had been no applications from Emma Goldman's people or I. W. W.

Palace Theatre Building - Ashland and Blue Island Avenues. Judwin, agent; bank in same building. One meeting to be held in building evening of June 5, - Woodman of the World. No other meetings.

West Side Coliseum - Miller between Washburn and 12th. Man named Goldman, janitor. Two meetings for evening of the 5th. Butchers' Union and some ladies' society.

All of the above halls were covered between 8:00 and 9:30 o'clock and the information above given was found to be absolutely correct.

The Workmen's Institute, however, (1004 S. Ashland Blvd.) which is a three flat building, has some 9 or 10 rooms rented to different societies, such as Socialists, I. W. W., and educational classes. Found one in session, said to be physiology class. Found Socialists in Room 23 holding a business meeting. Claimed they were enemies of I. W. W., although we found I. W. W. written on their blackboard.

COPY OF THIS REPORT FURNISHED TO: Chicago Office

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# The Emma Goldman Papers

810618034

[Agent Report] In re: Anticipated Emma Goldman Meetings on the West Side on the evening of June 5, Chicago, 1917 June 6 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 2 p. ; 26 x 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh submits Agent Handley's report on his unsuccessful efforts to determine where anarchist meetings would be held on the night of June 5, 1917, in Chicago. Handley found unpatriotic evidence in the form of an article, "Free Speech in Time of War."

15446 JUN 18 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

RECEIVED  
JUN 18 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

REPORT FORM NO. 1.

REPORT MADE BY: <b>H. G. Clabaugh</b>	PERIOD FOR WHICH MADE: <b>June 5 &amp; 6</b>
PLACE WHERE MADE: <b>Chicago, Ill.</b>	DATE WHEN MADE: <b>June 6, 1917.</b>

TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

**IN RE: Anticipated Emma Goldman Meetings on the West Side  
On the Evening of June 5.**

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:

**W. C. Handley, #1497, A.P.L., reports: Page 42**

On the bulletin board at the entrance of the building found an article in a newspaper printed in the English language entitled "Free Speech in Time of War." Then followed a speech purported to be made by Harry Weinberger, member of the New York Bar. Among other things in this article was the statement that it required an overt act to be guilty of treason; words spoken, comfort given the enemy was not treason. This article was torn from the bulletin board, and several young men were cautioned to better inform themselves before taking such statements seriously. None of the young men there seemed to take any stock in the article except one, and he was non-committal. All of them had registered, about 12 in number. Showed their cards. Advise that Department keep this place under surveillance.

No disturbance of any kind or character found and no indications of any unpatriotic action or words other than above referred to.

COPY OF THIS REPORT FURNISHED TO: **Chicago Office.**

19

3-571

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# The Emma Goldman Papers

[Agent Report] In re: Ben L. Reitman, Anarchist, Chicago, 1917 June 6 / P.R. Hilliard [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Agent Hilliard transcribes a letter from Reitman to Dr. Evans of Chicago in which Reitman explains that he is going to New York to work against the war. Dr. Evans supplied the letter, but wishes to remain anonymous.

**Notes:** Light copy, barely legible. For legible transcript, see 830331032.

Hilliard, Chicago, Ill. June 6th, 1917.  
REITMAN  
16396  
Dr. Evans, medical writer for the Chicago  
moved me the following letter received by him on May 31, 1917 from  
BEN L. REITMAN:

New York Central Express  
En Route, New York, N.Y.

My dear Evans:-

I couldn't stand your constant urging that I would enlist - I was afraid of myself. I wouldn't look me up in Chicago so I go to New York to take charge of the anti-war work there. How little we realize what another fellow is thinking about. The work of a little is in my nose. I am so glad to go back to the front line trenches. I still remember I have always been proud of your friendship and enjoyed life. You have saved my life. Have you lived yours?

Sincerely,

(Signed) BEN L. REITMAN

The man REITMAN is said to be Emma Goldman's son. He is probably born in this country, his parents being Jewish. He has been known to assist in the work of the anti-war movement.

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# The Emma Goldman Papers

[Agent Report] In re: Ben L. Reitman, Anarchist, Chicago, 1917 June 6 / P.R. Hilliard [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 29 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Notes: Transcript of 811222042.

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION

P. R. Hilliard Chicago, Ill. June 6th, 1917

June 1, 1917

In re: BEN L. REITMAN (ANARCHIST)

10110-43  
JUN 18 1917  
WAR DEPARTMENT

At Chicago, Ill.

Dr. W. A. Evans, medical writer for the Tribune, showed me the following letter received by him on May 31, 1917 from BEN L. REITMAN:

"New York Central Lines,

Enroute, New York, May 30th

My dear Evans:-

I could't stand your constant suggestion that I would enlist - I was afraid of myself. They wouldn't lock me up in Chicago so I go to New York to take charge of the anti-war work there. How little we realize what the other fellow is thinking about. The smoke of battle is in my nose. I am so glad to go back to the first line trenches. If I fall remember I have always been proud of your friendship and enjoyed life. Yes Evans I have lived my life. Have you lived yours.

Sincerely,  
(Signed) BEN L. REITMAN, M. D. "

This man REITMAN is said to be Emma Goldman's husband. He was probably born in this country, his parents being English Jews. Dr. Evans does not wish it known to REITMAN that he showed me the letter.

The gist of the foregoing was wired by this office to Supt., Offley, New York.

Copy of this report furnished to:  
Chicago office, New York office.

Page 2.

cha



# The Emma Goldman Papers

[Agent Report] In re: No Conscription League, New York, 1917 June 6 / J.[F?] Kemp  
[Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 22 x 15 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Kemp reports that he attended the No Conscription League's mass meeting at Hunts Point Palace as instructed.

Notes: Light copy, barely legible.

178-21

RECEIVED  
JUN 11 1917  
BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE

TO: SAC, NEW YORK  
FROM: J. F. KEMP, NEW YORK  
SUBJECT: NO CONSCRIPTION LEAGUE  
RE: HUNTS POINT PALACE

On June 6, 1917, I attended a meeting at about 8:00 P.M. for the purpose of attending the meeting in Hunts Point Palace, N.Y. I spent about 2 hours in the vicinity of the hall sitting and talking with the various groups of persons who were to be found in the room around talking and listening.

U.S.

178-21

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**Summary:** An agent suggests that the Bureau of Investigation send someone to the next socialist meeting, where Goldman and Berkman will speak against conscription.

REPORT MADE BY: [REDACTED]	PLACE WHERE MADE: New York City	DATE: May 21	PERIOD FOR WHICH MADE: May 21
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER BEING INVESTIGATION: IN RE [REDACTED] (Conference of Socialists and German Activities.)		JUN 6 1917 Bureau of Investigation DEPARTMENT OF JUSTICE (b) (7) (c)	
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  [REDACTED] advised me that a meeting of the Socialists was to be held [REDACTED], where <u>Emma Goldman</u> and <u>Alexander Berkman</u> among others are scheduled to deliver speeches. It is expected that radical statements will be made to influence people against Conscription and [REDACTED] advised that it would be well to take extra precautions to cover this meeting.  [REDACTED] [REDACTED] [REDACTED]  outside of scope			
249,870 ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7-9-83 BY SP4 EDW/EN			
COPY OF THIS REPORT FURNISHED TO: -4- NY-677			

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# The Emma Goldman Papers

[Telegram] 1917 June 7, New York [to Albert S.] Burleson, Postmaster General, Post Office Department, Washington, D.C. / Emma Goldman. — 1 p. ; 24 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Goldman asks the postmaster general to decide quickly whether or not to mail the June 1917 issue of *Mother Earth*.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

TELEGRAM.

Post Office Department.

Washington,



5-PO. H. 25 paid 1 xa

Bt New York June 7, 1917.

Postmaster General Burleson, Washington, DC.

June issue Mother Earth Magazine held up NY post office pending your decision delay means great financial loss to me please wire decision immediately.

Emma Goldman, Publisher

238pm

Official Business,  
Government Rates.

6-5875

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## The Emma Goldman Papers

[Memorandum] 1917 June 8 [Washington, D.C. to William H. Lamar, Solicitor, Post Office Department, Washington, D.C.] / J.J. S[outherland, Assistant Solicitor, Post Office Department].— 1 p. ; 34 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** This cover memo draws the judge's attention to the attached documents.

**Notes:** For possible enclosure, see 810128030.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

Judge's

Release note.

ESL

June 8, 1917

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# The Emma Goldman Papers

[Agent Report] In re: Alexander Berkman — Anti-Conscription Literature, New York, 1917 June 8 / P. Pignuolo [Agent, Bureau of Investigation, Department of Justice]. — 1 p.; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Pignuolo tries to obtain copies of two drawings that Berkman left at an engraving shop.

Notes: Light copy.

Report Form No. 1

REPORT MADE BY: <b>E. Pignuolo</b>	PLACE WHERE MADE: <b>New York City</b>	DATE WHEN MADE: <b>June 8-17</b>	PERIOD FOR WHICH MADE: <b>June 1</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>IN RE ALEXANDER BERKMAN Anti-Conscription Literature.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC. <b>RECEIVED JUN 18 1917 Bureau of Investigation DEPARTMENT OF JUSTICE</b>			
<p>Following telephone message received at this office from the Walker Engraving Co. 141 East 25th St., I went to this place where I was informed by <u>Mr. Powell</u>, Superintendent, that <u>Alexander Berkman</u> had left two drawings on the previous day, No. 1. a sheet with a black border, in the centre of which the following was inscribed: "June 5th in Honor of American Democracy". I obtained a copy of this and gave it to Division Superintendent <u>O'Flaherty</u>; No. 2. drawing of a Russian peasant standing erect looking towards two men in U. S. army uniform, one of the two, very slim, bending under the weight of the other man who is very stout. No copy of this drawing was on hand.</p>			
COPY OF THIS REPORT FURNISHED TO:			

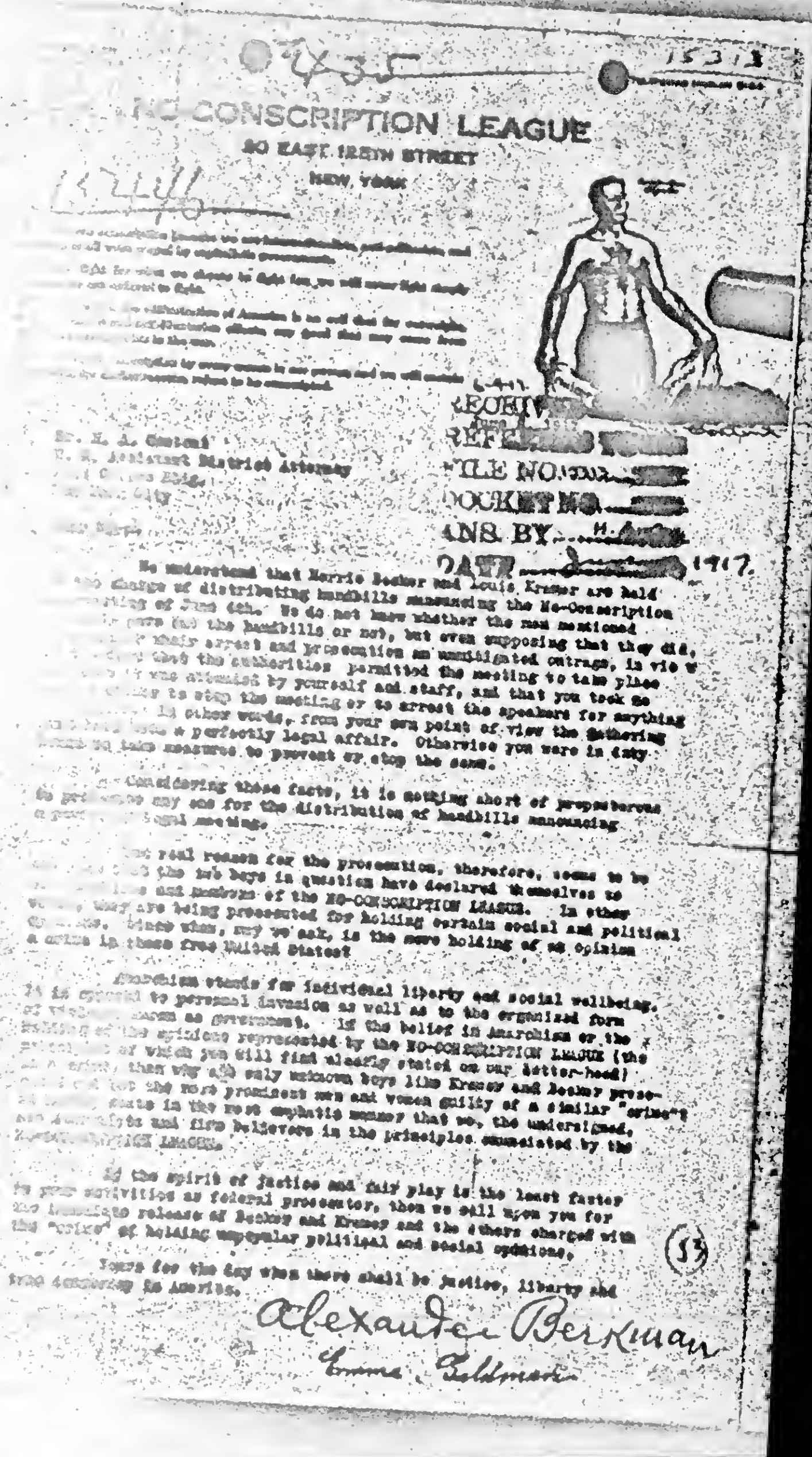
# The Emma Goldman Papers

[Letter] 1917 June [8?] New York [to] H[arold] A. Content, Assistant U[nited] S[tates] Attorney [Department of Justice], New York / Emma Goldman [and] Alexander Berkman. — 1 p. ; 26 x 16 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Berkman and Goldman protest the arrest of Morris Becker and Louis Kramer for distributing handbills announcing the No Conscription League meeting of June 4, 1917. Since the meeting was legal, the men are being prosecuted for their opinions.

Notes: Light copy; portions illegible. For handwritten note on reverse side, see 880603013. Introduced as prosecution's exhibit 35 at Goldman and Berkman's 1917 trial, see 810206005.



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# The Emma Goldman Papers

[Affidavit] 1917 June 1[0?] authenticating document] / Geo[rge] D. Barnitz [New York Police Department]. — 1 p. ; 25 × 16 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Barnitz affirms that Goldman and Berkman admitted writing the attached protest letter to Harold Content.

**Notes:** Bleedthrough; barely legible. For authenticated letter on reverse, see 810618031. Introduced as part of prosecution's exhibit 35 at Goldman's 1917 trial, see 810206005.

June 10 1917  
 This paper was  
 shown by me to Geo[rge]  
 Emma Goldman  
 and Alex Berkman  
 at 10 East 125th St  
 and both admitted  
 it as having been  
 the one they sent to  
 Mr Content and  
 both admitted that  
 they were responsible  
 for what was in  
 the letter.  
 Geo[rge] D. Barnitz

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# The Emma Goldman Papers

880603019

[Agent Report] In re: No Conscription League, Martha Gruening, Rose Marie R. Spanier—Activities of Socialists and Anarchists Against Conscription, New York, 1917  
June 11 / J.F. Kropidowski [Agent, Bureau of Investigation, Department of Justice].—  
2 p.; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Kropidowski interviewed Martha Gruening and Rose Spanier after their arrest for distributing No Conscription League literature.

Notes: Broken type; light copy; portions illegible. For copy, see 810930039.

REPORT FORM NO. 1

REPORT MADE BY: J. F. Kropidowski	PLACE WHERE MADE: New York City	DATE WHEN MADE: June 11-17	PERIOD FOR WHICH MADE: June 2
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION IN RE NO CONSCRIPTION LEAGUE (MARTHA GRUENING, ROSE MARIE R. SPANIER). Activities of Socialists and Anarchists Against Conscription.			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC. DEPT. OF JUSTICE			
<p>This office has been notified of the arrest of the above named women by patrolmen Edward F. McEvoy and Michael J. Jordan this afternoon for having distributed literature of the No Conscription League. I was instructed to call at the Night Court, Jefferson Market Court Building, at 9 P.M. with Agent Matthews and examine the prisoners who were being held there.</p> <p>I met the patrolman who first introduced me to Louis Harwitz, living at 1841 Marmion Ave. Bronx, upon whose complaint the officers made the arrest. Harwitz stated that the women gave him two of the circulars on Broadway near 23d St. and after he had followed them to Dorlon's Restaurant, 6 E. 23d St. he notified the patrolmen. The hand bills were those containing a picture of a workman holding the torn portions of a cloth bearing the words conscription and advertising the meeting to be held on the evening of June 4th at the Monte' Point Palace, 953 Southern Boulevard under the auspices of the No-Conscription League.</p> <p>The women freely admitted the fact of distributing the hand bills as members of the No Conscription League, opposed to war and compulsory army service but argued that the bills merely advertised a meeting without urging any one to resist registration or conscription. It may be noted that at the bottom of the hand bill was printed "Mothers, Fathers, Sons, Turn out in protest against Conscription." They claimed that they attended only two meetings of the League, the origin one in the early part of May which was held at the home of Emma Goldman, on West 159th St. and the last one held on May 30th at the Anarchist Party headquarters, 20 E. 155th St. at which they were notified by letter signed by Miss</p>			
COPIES OF THIS REPORT FURNISHED TO:			

-5-

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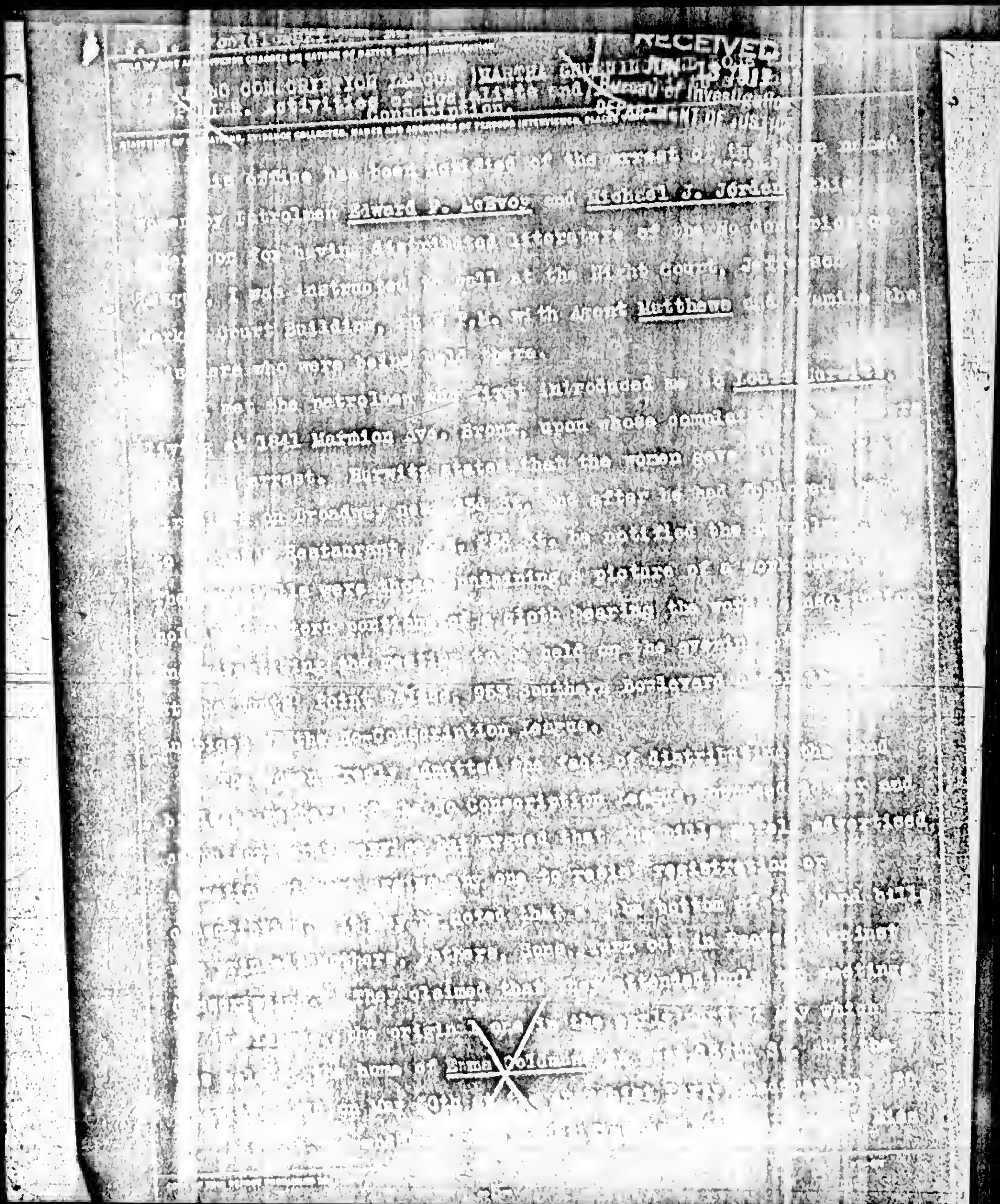


# The Emma Goldman Papers

[Agent Report] In re: No Conscription League, Martha Gruening, Rose Marie R. Spanier—Activities of Socialists and Anarchists Against Conscription [New York, 1917 June 11 (fragment)] / J.F. Kropidlo[wski, Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 28 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Notes: Light copy; portions illegible. Copy of 880603019.



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Obtained from the United States National Archives. Institutional Location: Record Group 65.  
Notes: Light copy; portions illegible. Copy of 880603019.

Notes: Light copy; portions illegible. Copy of 880603019.

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# The Emma Goldman Papers

810618035

[Agent Report] In re: Emma Goldman—Anti-Conscription Matter, New York, 1917  
June 12 / P. Pignuolo [Agent, Bureau of Investigation, Department of Justice].—  
1 p.; 29 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Pignuolo interviewed the government stenographer who took notes at Goldman's speech on June 4, 1917. The stenographer described how Goldman distributed anti-conscription pamphlets at the meeting.

Notes: Broken type; light copy.

REPORT FORM NO. 1

REPORT MADE BY: <b>I. Pignuolo</b>	PLACE WHERE MADE: <b>New York City</b>	DATE WHEN MADE: <b>June 12-17</b>	PERIOD FOR WHICH MADE: <b>June 6</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF DATED SUBJECT INVESTIGATION: <b>IN RE EMMA GOLDMAN Anti Conscription Matter.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC. <b>15446 RECEIVED JUN 18 1917 Bureau of Investigation DEPARTMENT OF JUSTICE</b>			
<p>Went to the Bronx County Court and there interviewed <u>Mr. Henry Martin</u>, stenographer who took down the notes at the meeting at Hunter Point on June 4th. <u>Mr. Matthews</u> stated that after <u>Emma Goldman</u> finished with her speech she left the center of the platform and walked towards the right hand side of the platform, where there was a suit case and that as soon as she opened it an old woman took out part of the contents and threw the same towards the audience. He secured one of these pamphlets and turned same over to <u>Mr. Martin</u>, District Attorney, Bronx County. <u>Mr. Martin</u> in turn gave it to Assistant United States Attorney <u>Convent</u>. Attached hereto is the pamphlet which <u>Mr. Martin</u> obtained at the meeting.</p> <p><i>Not attached</i></p> <p><b>RECEIVED JUN 18 1917 Bureau of Investigation DEPARTMENT OF JUSTICE</b></p>			
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# The Emma Goldman Papers

[Agent Report] In re: General Matters, New York, 1917 June 12 / H.W. Grunewald  
 [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.  
*Obtained from the United States National Archives. Institutional Location: Record Group 65.*  
 Summary: Agent Grunewald reports that Goldman said nothing in her speech at the Royal Lyceum on June 11 that would justify her arrest.

Report Form No. 1

REPORT MADE BY: <b>H. W. Grunewald.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>June 12, 1917.</b>	PERIOD FOR WHICH MADE: <b>June 11.</b>
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION: <b>IN RE: GENERAL MATTERS.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <b>At New York, N. Y.</b>			
<p style="text-align: right;">RECEIVED JUN 19 '17 Bureau of Investigation DEPARTMENT OF JUSTICE</p> <p>Agent Pignuolo and myself attended the anti-conscription meeting held by <u>Emma Goldman</u> at the "Royal Lyceum", No. 10 West 114th Street, New York City. Nothing was said at this meeting that would justify <u>Miss Goldman's</u> arrest.</p>			
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# The Emma Goldman Papers

[Letter] 1917 June 13, New York [to] Department of Justice, Washington, D.C. /  
Pierre N. Beringer. — 1 p. ; 26 x 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Beringer complains that the Justice Department has not yet arrested Goldman for her anti-con-  
scription speeches.

PIERRE N. BERINGER  
EDITOR

RICHARD HOASLEY TIMLEY  
ASSOCIATE EDITOR

## NATIONAL PUBLICITY BUREAU

115 BROADWAY  
NEW YORK, N. Y.

CABLE ADDRESS  
TINGLEMAN, NEW YORK

TELEPHONE  
RECTOR 8944

June 13th 1917 *file*

To the Department of Justice,  
Washington, D.C.

To whom it may concern:-

I have n't the slightest idea to whom to address  
this letter and, in that, I am quite as much in the dark as any other good  
citizen who may want to be useful to his country in this time of war.

1. I am enclosing a clipping from a New York news paper. This  
Emma Goldman woman is a fire brand and a fomentor of discord  
at all times. Just now she is given to making all kinds of  
treasonable speech and she encourages men to slack in their duty.  
Is it necessary for private citizen to make charges against her?  
If so, why are others arrested who are simply her tools?  
If it is necessary that some one prefer the charges, I am willing.

2. Secondly, for a long time this story has been floating about among  
exporters in New York—that whenever a ship is searched by England,  
the mails are seized and American trade secrets immediately impart-  
ed to English exporters and importers, with a view to obtaining  
American trade secrets, confidential information and prices etc.

3. In Providence, R.I. the story is being told and re-told to this  
effect that an American, named Sheppard, had a large lot of gems  
in Holland, he wanted these gems, for which he had paid, sent to this  
country but that, before delivery could be made, he had to pay over  
fifty thousand dollars, or some such sum, to some member of the  
British Embassy at Washington. Story told me by W.A. Polleys, Turk's  
Head Building, Providence, R.I.  
I believe these stories are floated by the pro-German propagan-  
dists for the sole purpose of undermining American confidence  
in our British ally. The information as to ship searching and  
transmission of trade information to British competitors is being  
peddled about by several export firms with German names, on this  
I have no specific information, have come across the story several  
times. This seems to me important to me, especially as they may  
lead to the discovery of the rumor foundry that is so busy send-  
ing out the Brooklyn Navy Yard canards.

I am at the service of my country at any time and  
any call will be answered by duty.

Very respectfully yours,

*P. N. Beringer*

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# STENOGRAPHER'S MINUTES



June 24 1917

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ALEXANDER BARKMAN	1-9			
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## The Emma Goldman Papers

830214178

[Speech Against Conscription] Forward Hall [New York] / Emma Goldman. -- 1917  
June 14 [government transcript]. -- 7 p. ; 29 x 22 cm.  
Obtained from the Immigration and Naturalization Service via FOIA.

Summary: John Dillon, a police stenographer, prepares a transcript of Goldman's anti-conscription speech at Forward Hall on June 14, 1917, for use at her trial. Goldman argues that the ruling class imposed the war on the people, who had no say in the decision to fight.

Notes: Introduced as exhibit 33 at Goldman's 1917 trial. Introduced as exhibit 19 at Goldman's 1919 deportation hearing, attached to affidavits, 830214176 and 830214177. Margin notes by unknown official. For another version of same speech, see 840305204.

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demonstration in Madison Square, so that you people will have a chance to tell the President what you think about the situation. The next speaker is one who is well known to you. I shall not lose words or time in introducing her, but I want to tell you that before she came to the meeting to-night somebody telephoned to her and told her, "if you go to that meeting you will not come home alive." --- I merely want to introduce a woman who has more courage than half a dozen men. (Berkman finished talking at 9.15 P.M.). Address by Emma Goldman, 9.15 P.M.

(BY EMMA GOLDMANN:)

This is not the place to applaud or shout, "hurrah for Emma Goldman." we have more serious things to talk about, and more serious things to do. First of all I wish to say to all of you workers, men and women from the East Side, I regret deeply that I cannot speak to you in the language I have always spoken from this platform, that I cannot speak to you ~~XXXXXXXXXX~~ to-night in Yiddish. I am speaking English because I want these representatives of the State and Militarism and the Courts and the prisons to understand what I have to say. I do not want them to get it second hand; no language is ever rendered well in a translation and I want them to hear what I have to say in the only language they can speak, and speak it poorly.

Friends, to-morrow morning I am sure that you will read the reports that the meeting took place on the East side attended by foreigners, by working men, by unkempt and poorly washed people of the East side. The foreigners who are being jeered at at the present time in this country, the foreigners who are being ridiculed because they have an idea --- well, friends, if the Americans are to wait until the Americans will wake up, they will have to resurrect the Indian who was killed in America, and upon whose body this so called democracy was established, because every other American, if you will scratch him, you will find the Englishman, and the Dutchman and the Spaniard and the Frenchman and the Jew and the German and the 101 other nationalities who sent their men and women to this country in the foolish belief that liberty was awaiting them at the American Harbor; liberty holding a torch; that torch has been burning dimly in the United States for a very long time.

~~It is because~~ <sup>FRIENDS</sup> ~~friends~~ the statue of liberty was ashamed of the American people, what they had done in the name of liberty, of liberty in the United States. And yet friends I am not sorry for the things that are happening in America to-day. I have come to the conclusion that every nation has, like the individual, to have its own experience. It does not accept the experience of the other nations, nor more than you accept the experience of another individual.

For if it were possible for a nation to learn through the bitter and tragic experience of other nations, America to-day could not be in

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-10-

war, and America to-day could not have inaugurated a reign of terror which is sweeping across the country from one end to another. America had Europe before its face, with all the murder and the bloodshed and the sacrifice of millions of lives. America had the trenches, all the battlefields of the last nearly three years of Europe before her. America realized that the war is one of the bloodiest and most criminal wars that has ever been fought by civilized people.

America had the lesson that the workingmen and the sons of working women are being sacrificed in the name of Kultur and democracy upon the battlefields of Europe, and if America had been a grown man instead of a child, she would have learned a lesson that no matter how great the cause, it is not a great thing to sacrifice millions of men in the trenches and on the battlefields in the name of democracy. Unfortunately friends, America has to learn a solitary lesson. It is going to be at a terrible price, it is going to shed oceans of blood, it is going to heap up mountains of human sacrifice, and the ~~best~~ men of this country who are built to create and produce, to whom the future belongs, they are to be slaughtered in the blood and in sacrifice in the name of the thing which has never yet existed in the United States of America.

Now friends, there are people who always say, "I told you so," when they predict or prophesize something and the prophecy comes true. I am sorry that I have to say the same. For thirty years we have pointed out to you that this democracy, which is a Government supposedly from the people, by the people, and for the people, is on the way to one of the most unscrupulous imperialisms that the world has ever laid its eyes upon. For twenty five or thirty years we told you that the State in America is appropriating more power everyday until the time will come when the individual man or woman will be nothing but a cog in the machine of the centralized, cruel, bloodthirsty government known as the United States. We told you that, and you said, "you are alarmists," you said, "you are too extreme, that will never happen in the United States". And here you are, friends, it has happened in the United States. A war was imposed upon you without the consent of the people; the people were never asked if they wanted war. Ay, indeed the people of America placed Mr. Wilson in the Whitehouse and in the Chair of the Presidency because he told the people that he would keep them out of war; and posters were pasted all over the City with a working woman and children, stating that he kept you out of war. He promised you heaven; he promised you everything if you would place him in power and the moment that you placed him in power he broke his promise and he is giving you hell in the shape of war.

War was imposed upon the people without the people getting a chance to say whether they want war or not. War was imposed upon them I say, and because the gentlemen in power and those who back power because they want war; and because war has been declared upon you, we are told, we men and women of the United States who work and sweat and toil to sustain these gentlemen of power, we are told that it is war, that we must go to war.

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If war is necessary, only the people must decide whether they want war or not and as long as the people have not given their consent, I deny that the President, or those who back the President, has any right to tell the people that they shall take us sons, husbands, and brothers, and mothers, and shall ship them in order to be dumped into the sea for the conquest of militarism and the spread of wealth and power in the United States. You say that it is a Law. I defy your Law! The only Law that I recognize is the Law which ministers to the needs of humanity, which makes men and women fonder and better and more human, the kind of a Law which teaches children that human life is sacred, and that those who organize for the purpose of taking human life are going to be ~~XXXXX~~ called before the bar of human justice, and not in the wretched little court, which is called your Law of the United States.

And so friends the people have not yet decided whether they want war and the people are going to say openly that they do not. Friends it is not at all surprising that President Wilson cannot sense the pulse of time. He has been in colleges too long. He has been too long within closed doors. He has been too long at the historical books. He cannot sense the pulse of time; but I tell you, without wishing to be a prophet, that within the next six months, not years, but six months President Wilson will regret deeply that he ever declared war.

Of course friends, of course, since war was declared by a coterie of people in whose interests it is that the American boy shall be sacrificed; it was not to the interests of that coterie to put the question to a test, and therefore conscription had to be imposed upon you. Don't you know that during the Spanish American War the people, believed in the war and there was no need of dragging the young men out at the point of a bayonet and a gun and a club, and putting him into the military uniform; they flocked to the war, and whether they were mistaken or not they at least showed that the people of America were willing to give their lives for something that they considered right; and because the people of America did not believe in this war, because the people of America had not been asked whether there should be war, that is why they did not flock to the colors and that is why you in America are doing what the Russian Czar used to do, what the German Kaiser is doing. That is why you are going to drag your manhood by force into the uniform.

But you are forgetting one thing, ~~XXXXXXXXXXXXXXXXXXXX~~ gentlemen of the Law, you can drive a horse to water but you can't compel it to drink. Please don't applaud. You will put the young manhood of America into uniform; you will drive them to the battlefield and into the trenches but while they are there there is going to be a campaign of anti militarism among the soldiers. You cannot compel human beings to take human life, if you give them a chance to reason and to think, to investigate and to analyse, and that is precisely what the authorities of this country do not want. They don't want you to hear anything about conscription. They don't want you to hear any-

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thing about ~~XXXXXXXXXX~~ the State Military Census; why don't they not want you to hear anything? If their position were correct and logical, if the Military Census would rest upon the people, if conscription would rest upon the desire of the people, all of the revolutionaries and the pacifists and the Emma Goldmans and the Berkman's would be able to talk their heads off and the people would not listen to them, but because the people know conscription is a crime, an imposition, an outrage, because the people know that the State Military Census was passed by one of the most reactionary men in office, Mr. Whitman, whom you placed on your ballots, who you support, who you make possible to live. Because of his reactionary tendencies and the military State Law, or rather the Military census you have been told that he is going to turn every man of you here into the Militiamen.

Ah, indeed America is fighting the Kaiser, because the Kaiser once said that if you are a soldier and I tell you to shoot your mother and father and brother and sweetheart you must obey orders. ~~XXXXXXXXXX~~ Is President Wilson, is Mr. Whitman saying anything else. Are they not telling you that when you will become militiamen and you will be ordered to shoot your brothers and fathers and sisters and mothers in the name of Democracy which you are going to carry to the poor unfortunate German people.

And so friends we are here to tell you before you decide what you are going to do, that there are -- and remember, remember it is easy to make a mistake, but it is very difficult to undo the mistake. You workmen of the East side, you should have lived in Russia; you should remember the days when you couldn't meet unless you had detectives and soldiers and police. Look about you and see what you have in the United States. If the Framers of the Declaration of Independence if the Jeffersons or the Hancocks or others, if they could look down upon the country and see what their offspring have done to it, how they have robbed it, how they have polluted it, they would turn in their graves, they would rise again and would cleanse this country from its internal enemies and that is the ruling class of the United States.

Now friends it is a lesson that you will all have to learn, and terrible as it is, we are nevertheless glad that you will have to learn this lesson.

And now we get down to the outrage that was committed in the United States, or rather the State of New York, yesterday, when two boys were sentenced. It is not only an outrage because they were sentenced, such things happen everyday, hundreds and thousands of innocent workmen are sent to prison and the penitentiary, thousands of unfortunates fill your jails, and nobody ever hears anything about it. It is the ordinary commonplace thing to-day, but the outrage yesterday consisted of the fact, that the judge, supported as you have been told, by your money, protected by public opinion, protected by the press, that that judge had the impudence and the audacity to insult Kramer and Becker after he gave them a sentence of such horrible dimensions. Think of a man like that who sits there in judgement of free human beings, Think of what must be his character, what must be his mind, what must be his soul; if he can spit human beings in the face only because he has got the power;

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But evidently the judge knows nothing of history; no man of the ruling class knows anything of history. Don't you know that there was a time when Marie Antionette, very much surprised that the people had no bread, asked why they were not willing to eat cake? Don't you know what happened to the Fair Lady of France, Marie Antionette? Don't you know what happened to the large landowner of France who said that the people should eat straw? Don't you know what happened to him? The people gave him all the straw he could possibly eat.

Friends I condemn the action of Judge Mayer, the insult and the outrage, and I warn you that he is going to hear about it, not only from all over the United States, but even from Europe. It may have seemed very insignificant to send poor working men, to send Becker and Kramer, who are both working men, that is their crime, and they were both honest enough to say they were anarchists. Did you ever hear of such an outrage? They just made the remark that they were anarchists, the judge was horrified at the audacity of these people to say it to him face to face, but don't you know men, you who are free in America, the moment you enter into court, you are like Dante looking down into the Inferno. "You who enter here leave all hope behind." That is again the American Court. It is the belief of every detective and every policeman that he can treat you like a dog, they who live from the sweat and toil of the people, so I tell you gentlemen now is your time, do what you please; you are forgetting history, and you are forgetting the writing on the wall; you are making a mistake if you think by sending Kramer and Becker to jail you are going to silence the human voice. You are making a mistake if you arrest the people, if you stop the agitation against war, for the agitation against war, the agitation is in the hearts of the people, it is in the minds of the people and it only requires for a psychological moment to come along as it did in Russia and the Judges, Mayer and the others, judges will fly off the bench.

Friends if we thought for one single minute that the entire agitation depended only upon a handful of people we would never bother about endangering your life, but we know that the agitation is in your hearts and in your souls we know that the people are from East and West and South and North are opposed to the war, opposed to conscription opposed to the Military State Census and the people will be heard from. I can tell you that, and so, to threaten any one's life to say that you will not come back from a meeting, how stupid!

What is life unless you can live it in freedom and in beauty. Unless you can express yourself, unless you can be true to yourself, what is life. Rather than to live the life of a dog, to be afraid, to skunk about and slink about to ward off somebody who is waylaying after you to take your life, rather than that I would die the death of a little dog.

If you tell people, "Miss Goldman they are going to arrest you", -- as if that solves all problems, in the world, prisons have never solved any problems, guns and bayonets have never solved any problems; bloodshed has never solved a problem, never on earth. Men and women have such methods of violence, concentrated and organized violence, never solved a single problem?

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Nothing but the human mind and human devotion, nothing but intense passion for a great ideal, nothing but perseverance and devotion; nothing else ever solves any problem; and so working men and women, you of the East Side you who are sweated and bled to create the wealth of this country, you have been singled out because you are foreigners. Very well then, if you are good enough to create the wealth of America, if America had to go to Europe for her art and literature and her music and her idealists by God you will have to go for your democracy.

And I don't say it in any threat, I do not say it out of bravado, I merely tell you that the more people you lock up the more idealists who will take their place, the more the human voice is suppressed, the greater and louder will be the human voice. At present it is a mere rumble, but that rumble is increasing in volume, it is growing in depth, it is spreading all over the country and it will be raised into a thunder and the people of America will rise and say, "we want democracy but we want the kind of democracy that means liberty and opportunity to every man. (Emma Goldmann stopped talking at 9.45 P.M. and Berkman then said: "Before going on with the meeting I want to call your attention again to the demonstration Saturday week, Saturday, June 23d, 2 P.M. The subject will be, "Labor and War"; everybody to be there".

Meeting adjourned at 9.46 P.M.

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## The Emma Goldman Papers

[Speech Against Conscription, Forward Hall, New York] / Emma Goldman. — [1917 June 14]. — 14 p. ; 28 × 21 cm.

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**Summary:** A stenographer, probably paid by the No Conscription League, records Goldman's anti-conscription speech at Forward Hall.

**Notes:** For police stenographer's version of same speech, see 830214178.

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think about the situation (great applause).

The next speaker is one who is well known to you. I shall not waste words or time in introducing her but I want to tell you that before she came to the meeting tonight somebody telephoned to her and told her, "If you go to that meeting you will not get home alive". I simply want to introduce a woman who has more courage than half a dozen regiments (tremendous cheering and applause at 9:12 P.M.)

THE CHAIRMAN: I introduce to you-- (interrupted by applause and cheers. Some young man said, "Who loves Emma Goldman? We all do." Great cheering and applause.)

EMMA GOLDMAN: This is not the place to applaud or shout Hurrah for Emma Goldman. We have more serious things to talk about and some serious things to do. First of all, I wish to say to you, all of you, workers, men and women from the East Side, that I regret deeply that I cannot speak to you in the language I have always spoken from this platform; that I cannot speak to you tonight in Yiddish. I shall speak English because I want those representing the State and Militarism and the Courts and Prisons to understand what I have to say. (Miss Goldman's remarks were so frequently interrupted by cheering and applause that reference to such interruptions will not be made in this report further.) I don't want them to

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Friends, tomorrow morning I am sure that you the will read/~~x~~ report that a meeting took place on the East Side attended by foreigners, by workmen, and illkempt, poorly washed people of the East Side -- foreigners who are being jeered at the present time in this country, foreigners who are being ridiculed because they have an idea. Well, friends, if the Americans are to wait until Americans wake up the country they will have to resurrect the Indians who were killed in America and upon whose bodies this so-called democracy was established, because every other American, if you scratch him, you will find him to be an Englishman, Dutchman, Frenchman, Spaniard, a Jew and a German and a hundred and one other nationalities who sent their young men and their women to this country in the foolish belief that liberty was awaiting them at the American Harbor, Liberty holding a torch. That torch has been burning dimly in the United States for a very long time. It is because, the Goddess of Liberty is ashamed of the American people and what they have done in the name of liberty to liberty in the United States. And yet, friends, I am not sorry for the things that are happening in America today. I have come to the conclusion that every nation is like an individual. it must have its

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21

own experience and it does not accept the experience of other nations any more than you accept the experience of another individual, for if it were possible for a nation to learn by the bitter and tragic experiences of other nations America today could not be in war and America today could not have inaugurated a reign of terror which is sweeping across the country from one end to another.

America had Europe before its face as an example, with all the murders and bloodshed and corpses and millions of lives lost. America had the trenches and the battlefields of the last, nearly, three years of Europe before her.

America realized that this war is one of the bloodiest and most criminal wars that has ever been fought by civilized people. America had the lesson that the working people and the sons of working women are being sacrificed in the name of Kultur and they want democracy upon the battlefields of Europe, and if America had been a grown man instead of a child it would have learned the lesson that no matter how great the cause it is never great enough to sacrifice millions of people in the trenches and on the battlefield in the name of democracy or liberty.

Evidently, America has to learn a salutary lesson and it is going to pay a terrible price. It is going to shed oceans of blood, it is going to heap mountains of human



## The Emma Goldman Papers

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**Summary:** A stenographer, probably paid by the No Conscription League, records Goldman's anti-conscription speech at Forward Hall.

**Notes:** For police stenographer's version of same speech, see 830214178.

22

sacrifices of men of this country who are able to create and produce, to whom the future belongs. They are to be slaughtered in blood and in sacrifice in the name of a thing which has never yet existed in the United States of America, in the name of democracy and liberty.

My friends, there are people who say and tell you that when they prophesy something the prophecy comes true. I am sorry to say that I am one such and I have to say the same. For thirty years we have pointed out to you that this democratic State which is a government supposedly of the people, by the people and for the people has now become one of the most Imperialistic that the world has ever laid its eyes upon. For twenty-five or thirty years we have told you that the United States of America is appropriating more power every day until the time will come when individual men or women will be nothing but cogs in a machine of this centralized, cruel, blood thirsty government known as the United States. We told you that, and you said, you are alarmists. You said, you are too extreme, that will never happen in the United States. And here you are, friends. It has happened in the United States. A Czar was imposed upon you without the consent of the people. The people were never asked whether they wanted war. Indeed, the people of America placed Mr. Wilson in

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the White House and in the Chair of the Presidency because he told the people that he would keep them out of war, and as one of his political advertisements billposters were posted all over the city with the picture of a working woman and her children saying, "He has kept us out of war". He promised you heaven, he promised you everything if you would only place him in power. What made you place him in power. You expected peace and not war. The moment you placed him in power, however, he forgot his promises and he is giving you hell. War was imposed upon the people without the people getting a chance to say whether they wanted war or not, and war was imposed upon them, I say, because the gentlemen of power and those who back power want war. And because war has been declared upon you we are told, we men and women of the United States who work and sweat and toil to sustain these gentlemen of power, we are told that there is a law and we must go to war. If war is necessary, only the people must decide whether they want war or not, and as long as the people have not given their consent I deny that the President of the United States has any right to declare it; I deny that the President or those who back the President have any right to tell the people that they shall take their sons and husbands and brothers and lovers and shall conscript them in order to ship them across the seas for the

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conquest of militarism and the support of wealth and power in the United States. You say that is a law. I deny your law. I don't believe in it.

The only law that I recognize is the law which ministers to the needs of humanity, which makes men and women finer and better and more humane, the kind of law which teaches children that human life is sacred, and that those who arm for the purpose of taking human life are going to be called before the bar of human justice and not before a wretched little court which is called your law of the United States. And so, friends, the people have not yet decided whether they want war and the people are going to say, ultimately, whether they want war or not.

It is not surprising that President Wilson cannot sense the pulse of time. He has been in colleges too long; he has been too long within closed doors; he has been too long at the historical books. He cannot sense the pulse of time. But I tell you, without wishing to be a prophet, that within the next six months-- not years but within the next six months-- President Wilson will regret deeply that he ever declared war in the United States.

Of course, friends, of course since the war was declared by a country in whose interest it is that the American boy shall be sacrificed it was not to the interest

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of that country to put the war to a test and therefore conscription had to be imposed upon you. Don't you know that during the Spanish-American War when the people believed in the war there was no need of asking the young men of the country, at the point of the bayonet and gun and club, to put on an American uniform? They flocked to the war because they believed in it. And whether they were American citizens or were residents of America the people of America were all willing to give their lives for something they considered right and just. But because the people of America do not believe in this war, because the people of America have not been asked whether there shall be war, that is why they do not flock to the colors and that is why you in America are doing as the Russians used to do, as the German Kaiser is doing, as all the Imperialistic tyrants are doing. That is why you are going to drag your manhood by force into the uniform. But you are forgetting one thing, gentlemen of the law, you are driving a horse to water but you cannot compel him to drink. You will put the young manhood of American in the uniform, you will drag them to the battlefield and into the trenches, but while they are there there is going to be a bond of anti-militarism among the people of the world (great applause).



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No, friends, you cannot compel human beings to take human life, if you give them the chance to reason and to think, to investigate and to analyze. And that is precisely what the authorities of this country don't want. They don't want you to hear anything about conscription; they don't want you to hear anything about the State Military Census. Why don't they want you to hear anything? If their position were correct and logical, if the State Military Census rested upon the need of the people, if conscription rested upon the desire of the people, all the revolutionists and Emma Goldmans and Alexander Berkmans might talk their heads off and the people would not listen to them. But because the people know that conscription is a crime and oppression and an outrage upon reason, because the people know that the Military State Census was determined upon by one of the most reactionary men, we find Mr. Whitman who is on your backs, whom you supported, whom you gave the possibility to live. And the Military State Census, as you have been told, is going to turn every man of you here into a militiaman and into something who is fighting the Kaiser, because it is just as if the Kaiser wanted you to do a thing so that if you are a soldier and I tell you to shoot your mother and father and brother and sister you must obey orders. With <sup>the</sup> President is Mr. Witman saying anything else? And then telling

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you that when you will become militiamen and you shall be ordered to shoot your brothers and fathers and sisters and mothers in the name of democracy that you are going to carry to the poor unfortunate people of Germany. And so, friends, we are here to tell you before you decide what you are going to do, think twice, and remember it is easy to make a mistake but it is very difficult to undo the mistake. You workmen of the East Side; you who have lived in Russia, you who remember the days when you could not meet unless you had detectives and soldiers and police, look about you. See what you have in the United States. See what you have in America.

If the framers of the Declaration of Independence, if Jefferson or Henry or the others, if they could look down upon the country and see what their offspring has done to it, how they have outraged it, how they have robbed it, how they have polluted it-- why, my friends, they would turn in their graves. They would rise again and they would cleanse this country from its internal enemies, and that is the ruling class of the United States. There is a lesson you are going to learn and terrible as it is for us we nevertheless are glad that you will have to learn that lesson.

And now we come down to the tragedy that was committed in the United States Court in the State of New

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York yesterday, when two boys were sentenced. It is not only a tragedy because they were sentenced. Such things happen every day, hundreds, thousands of innocent working men are sent to the prison and the penitentiary, thousands of unfortunates throughout the world as well as here in so-called free America and nobody ever hears anything about it. It is an ordinary, commonplace thing to do. But the tragedy of yesterday is in the fact that a Judge, supported as you have been told by your money, protected by public opinion, protected by the President, the tragedy of it is that that Judge had the impudence and audacity to insult Kramer and Becker after he gave them the sentence of such horrible dimensions. Think of a man like that who sits there in judgment on other human beings. Think what must be his character, what must be his mind, what must be his soul, if he can spit human beings in the face, only because he has got the power.

But evidently the Judge knows nothing of history, any more than the ruling class knows. Don't you know there was a time when Marie Antoinette, very much surprised that the people had no bread asked, "Why don't they eat cake"? Don't you know what happened to the fair lady of France, Marie Antoinette? Don't you know what happened to the landowning class of France who said that the people

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should eat straw? Don't you know what happened to them? The people gave them all the straw they could possibly eat. I consider the action of Judge Mayer an insult and an outrage and I warrant you that he is going to hear about it, not only all over the United States but even from Europe. It may have seemed very insignificant to send two poor workingmen to the penitentiary and to insult them, to send Becker and Kramer, who are both workingmen-- that is their crime, they were both honest enough to say they were anarchists. To be condemned in an American Court it is enough that you are an anarchist. The Judge was horrified at the audacity of these people to say it to him, face to face. Don't you know, men, you who are free Americans, the moment you enter an American court you must say, like Dante said, "Ye who enter here leave all hope behind". That is what the American Courts are. And so today you are governed by the bayonet and the police can treat you like dogs. But I say to you, they who live by the sword shall perish by the sword. So I tell you, gentlemen, now is your time. Do whatever you please. But you are forgetting history and you are forgetting the writing on the wall. You are making a mistake if you think that by sending Kramer and Becker to jail you are going to silence the human voice. You are making a mistake if you believe



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that by threatening and arresting people you are going to stop the agitation against war. The agitation is in the hearts of the people, the agitation is in the minds of the people, and it only requires the psychological moment to come along, as it did in Russia, and the Judges like Mayer and the other Judges will fly off the bench and into the gutters.

My friends, if we thought for one single minute that the entire agitation is dependent only upon a handful of people we would never bother <sup>and</sup> endanger your lives, but we know the agitation is in your hearts and souls, we know that the people from the East and West and South and North are opposed to the war, are opposed to conscription, opposed to the Military State Census, and the people will be heard from, I can tell you that. And so, to threaten anyone's life, to say that she will not come back from a meeting alive -- how stupid. What is life unless you can live it in freedom and in beauty, and unless you can express yourself, unless you can be true to yourself, what is life? I would rather <sup>than</sup> live the life of a dog to be compelled to sneak about and slink about, to worry that somebody is looking for you ready to take your life. — Rather than that I would die the death of a lion any day. Why, what consequence is it if you tell people, we are going

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to arrest you, Miss Goldman. Just as if arresting Emma Goldman solves all the problems in the world. Prisons have never solved any problems. Guns and bayonets have never solved any problems. Bloodshed has never solved a problem. Never on earth, men and women, have such methods of violence, concentrated and organized violence, ever solved a single problem. Nothing but the human mind, nothing but human emotions, nothing but an intense passion for a great ideal, nothing but perseverance and devotion and strength of character -- nothing else ever solved any problem.

And so, men and women, workmen and workwomen, you of the East Side, you who are sweated and bled to create the wealth of this country, you who are being sneered at because you are foreigners -- very well, then, if you are good enough to create the wealth of America, if America had to go to Europe for her Art, if America had to go to Europe for her Literature, if American had to go to Europe for her Music and her ideals, by God you will have to go to the foreigners for liberty.

I wish to say here, and I don't say it with any authority and I don't say it as a prophet, I merely tell you-- I merely tell you the more people you lock up, the more will be the idealists who will take their place; the

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more of the human voice you suppress, the greater and louder and the profounder will be the human voice. At present it is a mere rumbling, but that rumbling is increasing in volume, it is growing in depth, it is spreading all over the country until it will be raised into a thunder and people of America will rise and say, we want to be a democracy, to be sure, but we want the kind of democracy which means liberty and opportunity to every man and woman in America (Great and continued applause).

THE CHAIRMAN: Before we close the meeting I want to call your attention again to the demonstration Saturday, June 23rd, at 2 P.M., in Madison Square. The subject will be Labor and War. Everybody be there. And now, my friends, let the gentlemen of war step out first. They came first; let them leave first, and then you leave the hall gradually, without any disorder. The meeting stands adjourned.

Friends, you will be glad to hear that the collection for Becker and Kramer amounts to \$100 (applause).

Meeting adjourned at 9:42 P.M.

# The Emma Goldman Papers

Daily Report of Agent, Secret Service, New York District, 1917 June 14 [excerpt] / John J. Henry, Operative in Charge, Secret Service, Treasury Department. — 4 p.; 25 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 87.

Summary: Dr. M.H. Oser, under investigation for criticizing the president, admits attending one of Goldman's meetings, but denies the other charges.

Notes: Broken type; light copy.

TREASURY DEPARTMENT  
JUN 14 1917

DAILY REPORT OF AGENT

## United States Secret Service,

New York District.

The Chief

United States Secret Service.

Treasury Department.

Sir

I have the honor to submit the following, my report as  
Operative of this District, for Wednesday the  
13th day of June 1917, written at New York, N. Y.,  
and completed at 3 o'clock P.M. on the 14th day  
of June, 1917

In New York, N. Y.

Office S. a. n.; agents Manasse, Carpenter and Adams here;  
agent Connolly in Connecticut, taking up counterfeit coin and  
investigating counterfeiting; agent Kavanagh at Baltimore, Md.;  
agent Langvoigt at Washington, D. C.; agents Burke, Rubano, Fough-  
ton, Howell, Carvey, Palma, Blalock and Hughes on special in-  
vestigation under direction of Chief.

Mail consisted of three letters; two from Office of Chief;  
first, referring to the Candido Oliviera matter, which I report-  
ed on June 8th, 1917, and instructing me to take it up with the  
Consul General for Brazil, at New York; second, enclosing letter

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-8-

1409  
this bill down; that the face plate No. is A228 back plate No. 163, and the note proved to be genuine; that he had received it and would mail it in for my inspection; at 4:40 p.m. Mr. Feltman, of Feltman's pavilion, Coney Island, phoned he thinks there are parties at work there passing counterfeit coin; that two men came in together and bought some frankfurters, then went to Luna Park, and came back with a policeman with a counterfeit 50¢ coin which they claimed they had received in change for the \$1.00 note tendered in payment for the frankfurters at Feltman's; that they are now in Luna Park, and if an agent will come down he can probably catch up with them as he has a police officer watching them; agents Carpenter and Adams were instructed to go down there, run the matter out, then make inquiries on the Island and find out if any counterfeit money is being circulated there.

I was engaged at the office until 5 p.m. when I discontinued.

.....

Operative Vanasse reports for Wednesday, June 13th.

In New York, N. Y.

Office 9 a.m. and here engaged until 10:30 a.m., then left to continue the investigation of Horace Demarest,

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# The Emma Goldman Papers

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-7-

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an applicant for a position in the Service; I returned to the office at 11:30 a.m., and left at 12:30 p.m., still engaged on the above investigation; at 3:10 p.m. I phoned the office; at 7:30 p.m. I called on Dr. M. H. Oser, dentist, #1851 Seventh Avenue, who had been reported as having made nasty remarks about this country and the President; he stated that he had attended a meeting the other night conducted by Emma Goldman, but denied ever having made any remarks against the President or the United States; further stated that he came here from Russia about 30 years ago and has been a citizen for the past 20 years; I then left and discontinued.

Operative Connolly reports for Wednesday, June 13th.

In Bridgeport, Milford, and New Haven, Conn.

I left the hotel at 8:30 a.m. and canvassed the department stores for counterfeit money; at Meigs & Co. the cashier surrendered 60¢ in counterfeit coin; at the W. T. Grant 5¢ and 10¢ store they surrendered \$1.25; at The Smith-Murray Co. one 25¢ coin; these were all old coins that have accumulated for some time; I called at the postoffice and saw the postmaster, C. F. Greene; he gave me a copy of circular #418, describing the new counterfeit \$10.00 Gold Certificate; at the postoffice substation at Howland's department store, Vice Lindstrom, postoffice

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The Emma Goldman Papers

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Notes: Broken type; light copy.

-14-

417

Assistant Operative Carpenter's charges for June 13:2.  
Subsistence - - - - - 2.00  
Incidentals - car fares - - - - - .40  
                  expended for information at Coney Island .80  
Services - - - - - 4.00  
Services - self - - - - - 9.00

Respectfully submitted,

*John J. Henry*  
Operative in Charge

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# The Emma Goldman Papers

[Letter] 1917 June 15, Detroit [Mich. to] Department of Justice, Washington, D.C. / Charles E. Rogers. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Charles Rogers urges the Justice Department to lock up Goldman for her anti-conscription speeches.

Notes: Lower document only. For enclosure, see 870212001.

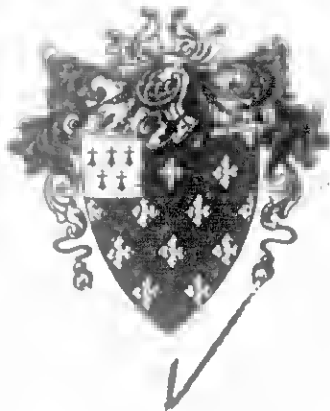
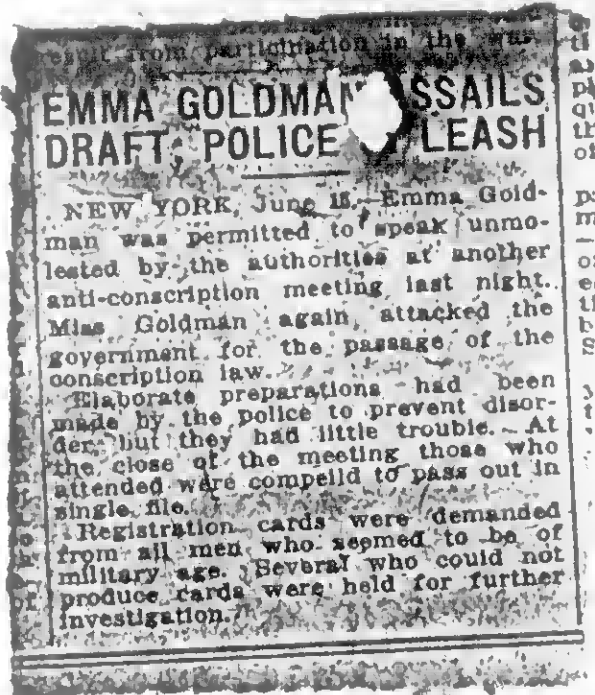
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from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)



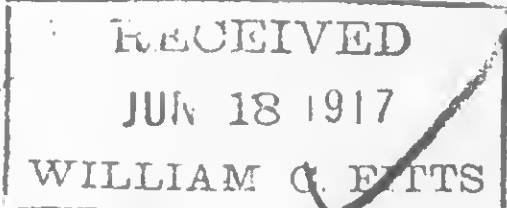
Hotel  
Pontchartrain.

GEORGE H. WOOLLEY  
W. J. CHITTENDEN, JR.  
MANAGERS

ABSOLUTELY FIREPROOF

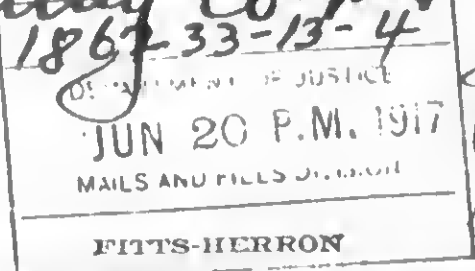
Detroit June 15 1917

Department of Justice  
Washington D. C.



Gentlemen

How far are  
you going to let this Emma  
Goldman, I think she should  
be in jail, or deported from  
this country, she is a menace  
to the country, give her who is  
coming to her. Your most Resp<sup>t</sup>



Chas E. Rogers



# The Emma Goldman Papers

Emma Goldman [A]ssails Draft; Police [On?] Leash—28 cm. In [New York Times?] (June 15, 1917) / [author unknown].

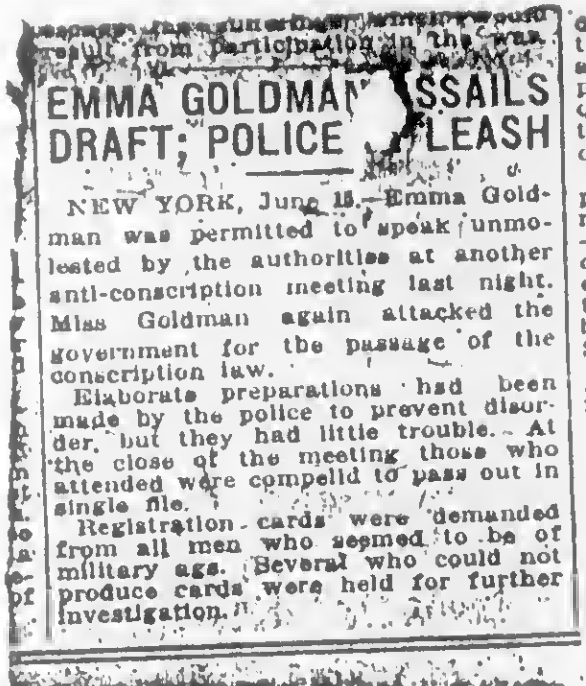
Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: A newspaper reports that the authorities permitted Goldman to speak against conscription on June 14, 1917, in New York.

Notes: Upper document only. Enclosed with 810113002.

**COPY**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)



*Hôtel*  
*Pontchartrain.*

GEORGE H. WOOLLEY  
W. J. CHITTENDEN, JR.  
MANAGERS

ABSOLUTELY FIREPROOF

*Detroit June 15 1917*

*Department of Justice  
Washington D. C.*

RECEIVED  
JUN 18 1917  
WILLIAM C. FITTS

*Gentlemen*  
*How far are*  
*you going to let this Emma*  
*Goldman, I think she should*  
*be ... or deported from*

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# The Emma Goldman Papers

[Report on] No Conscription League, 1917 June 15 [fragment] / [Bureau of Investigation, Department of Justice].— 1 p. ; 28 x 22 cm.

Obtained from the Federal Bureau of Investigation via FOIA.

**Summary:** The Bureau of Investigation prepares a list of those in the *Mother Earth* office at the time of Goldman's arrest. The FBI has deleted all the names.

**Notes:** Dark copy; portions illegible.

NO CONSCRIPTION LEAGUE

001250

2-5-1930

Emma Goldman and Alexander Berkman arrested in office of and convicted under Espionage Act. In office at time were:

[REDACTED]

(18)  
(7)  
(C)

249,870  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6/10/85 BY SP4 ELN/EN

June 15, 1917.

61-105-247	
BUREAU OF INVESTIGATION	
JUN 16 1927	
Div. Two	141

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250

# The Emma Goldman Papers

870210004

[Letter] 1917 June 16 [Washington, D.C. to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / R[alph] H. Van Deman, Chief, Military Intelligence [Division, War Department]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Major Van Deman forwards No Conscription League circulars to Bielaski for his information.

Notes: Upper document only. For enclosures, see 870210001, 870210002, and 870220001. Response to 870220002.

10101-21

WCD  
R H V D

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION

JUN 18 1917  
10101-21  
WAR DEPARTMENT

June 16, 1917.

Mr. A. Bruce Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

My dear Mr. Bielaski:

I enclose for your information photostat copies of anti-conscription literature and a copy of the letter forwarding this matter to this office.

Very sincerely,

R H VAN DEMAN

Major, General Staff,  
Chief, Military Intelligence Section.

Encls.  
mam

Mailed, W. C. D., G. S. JUN 16 1917 (nw)

WAR COLLEGE DIVISION  
10101-21

WCD  
WAR DEPARTMENT A B C  
OFFICE OF THE CHIEF OF STAFF  
WASHINGTON

June 16, 1917.

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION

JUN 18 1917  
10101-21  
WAR DEPARTMENT

MEMORANDUM FOR THE PROVOST MARSHAL GENERAL:

I enclose for your information photostat copies of anti-conscription literature and a copy of the letter forwarding this matter to this office.

R H VAN DEMAN

Major, General Staff,  
Chief, Military Intelligence Section.

Encls.  
mam

Mailed, W. C. D., G. S. JUN 16 1917 (nw)

## The Emma Goldman Papers

870210005

[Memorandum] 1917 June 16, Washington [D.C. to] Provost Marshal General [Military Intelligence Division? War Department?, Washington, D.C.?] / R[alph] H. Van Deman, Chief, Military Intelligence [Division] War Department. — 1 p. ; 36 x 22 cm. Obtained from the United States National Archives. Institutional Location: Record Group 165. Summary: Major Van Deman forwards No-Conscription League circulars to the Provost Marshal General for his information. Notes: Lower document only. For enclosures, see 870210001, 870210002, and 870220001. Response to 870220002.

10101-21

WCD  
R H V D

June 16, 1917.

RECEIVED  
JUN 18 1917  
10101-21

Mr. A. Bruce Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

My dear Mr. Bielaski:

I enclose for your information photostat copies of anti-conscription literature and a copy of the letter forwarding this matter to this office.

Very sincerely,

R H VAN DEMAN

Major, General Staff,  
Chief, Military Intelligence Section.

Encls.  
mam

Mailed, W. C. D. G. S.

JUN 16 1917

(nw)

WAR COLLEGE DIVISION  
10101-21

WCD  
WAR DEPARTMENT A B C  
OFFICE OF THE CHIEF OF STAFF  
WASHINGTON

June 16, 1917.

OFFICE CHIEF OF STAFF  
WAR COLLEGE DIVISION

JUN 18 1917  
10101-21

MEMORANDUM FOR THE PROVOST MARSHAL GENERAL:

I enclose for your information photostat copies of anti-conscription literature and a copy of the letter forwarding this matter to this office.

R H VAN DEMAN

Major, General Staff,  
Chief, Military Intelligence Section.

Encls.  
mam

Mailed, W. C. D. G. S.

JUN 16 1917

(nw)



## The Emma Goldman Papers

810807044

[Photograph] Battle With Police Rages Half an Hour in Anti-Registration Riot, New York, 1917 June 16 / Int[ernational] Film Serv[ice]. — 1 p. ; 22 x 36 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: The War Department attributes responsibility for the rioting at the mothers' anti-draft demonstration in New York City on June 16, 1917, to Goldman and Berkman.

SUBJECT:

16500064D/ 6/ 48/ 17

NUMBER

PHOTOGRAPHER Int. Film Serv. (c)

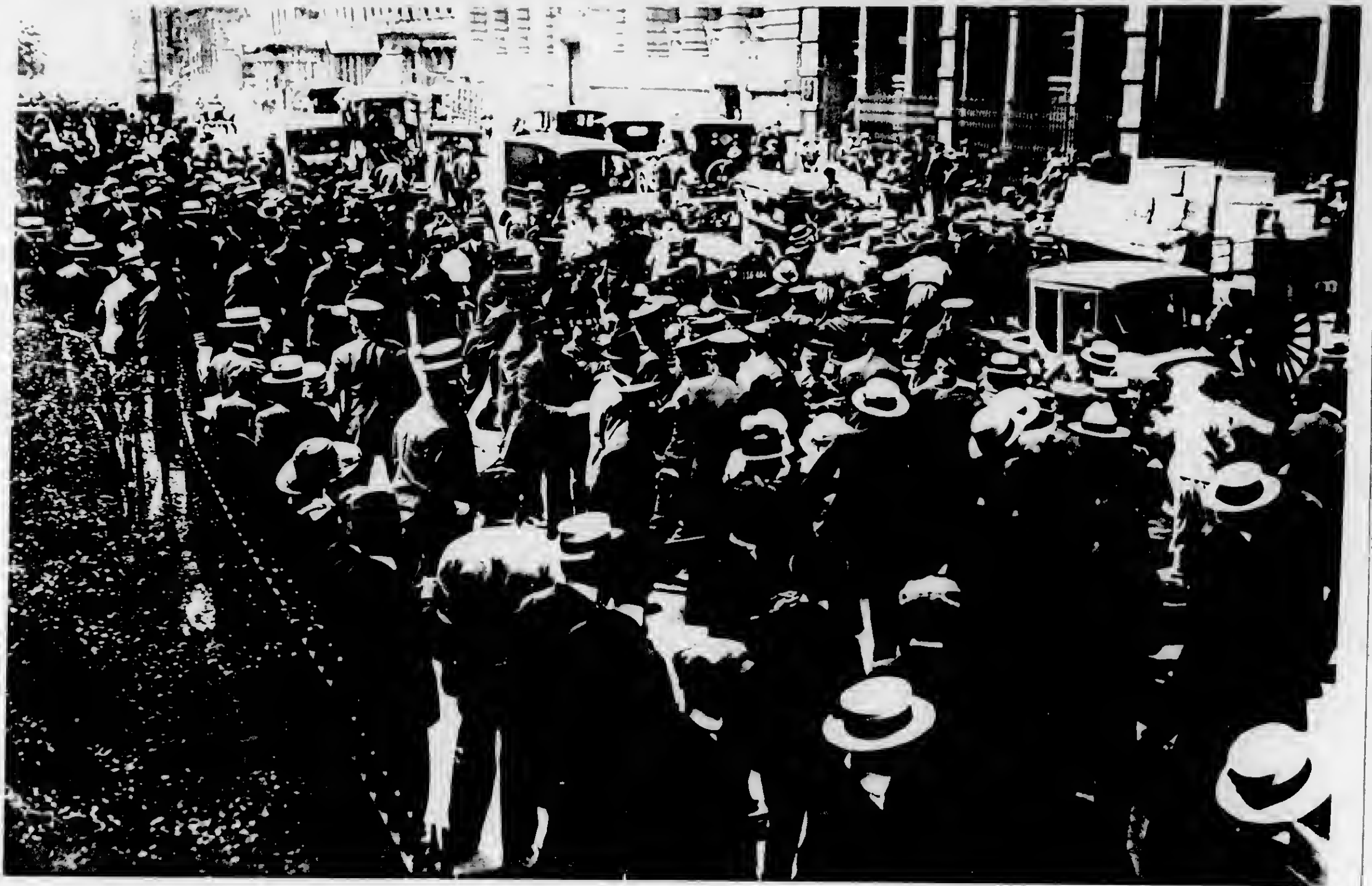
REC'D Feb. 1918

TAKEN

### DESCRIPTION:

BATTLE WITH POLICE RAGES  
HALF AN HOUR IN ANTI-  
REGISTRATION RIOT, NEW YORK.

Police rushing the frantic women at the anti-draft riot behind the City Hall, June 16, 1917, when a thousand women from the East Side and Harlem gave battle to a hundred policemen who barred their progress to the hall. A score of patrolmen were slightly hurt and many had their uniforms torn and ripped. The original thousand were augmented by two score or more friends of Emma Goldman and Alexander Berkman, who filtered through the crowd urging them on and are credited by the police with being responsible for the trouble. The women charges shouting "Down with the Draft".



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# The Emma Goldman Papers

[Photograph of Alexander Berkman] 1917 June 16 / Int[ernational] Film Serv[ice].—  
1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

**Summary:** The War Department keeps on file a photograph depicting Berkman leaving federal court on crutches on June 16, 1917.



165-144-1648-14 A.U.

PHOTOGRAPHER Int. Film Serv. (c)

REC'D Feb. 1918 TAKEN

## DESCRIPTION:

Emma Goldman and Alexander Berkman "Anarchists" arrested on charges of conspiracy against the government were held in \$25,000 bail to await action of the Federal Grand Jury. A motion to dismiss them on the ground that the bill is unconstitutional was denied by Commissioner Hitchcock.

Photo shows Alexander Berkman leaving court, June 16, 1917.

## The Emma Goldman Papers

[Letter] 1917 June 16 [Washington, D.C. to Thomas G. Patten] Postmaster [Post Office Department], New York / [William H. Lamar] Solicitor [Post Office Department]. — 1 p. ; 33 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar asks Patten to send him two copies of the next four issues of *Mother Earth*.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

8-46647-8

June 16, 1917.

Postmaster,  
New York, New York.

Will you please obtain and forward to this Office, as  
issued, two copies of the next four successive editions of  
the publication entitled, "Mother Earth?"

Solicitor.



# The Emma Goldman Papers

[Letter] 1917 June 17 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 2 p. ; 28 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley sends Bielaski a status report on Goldman and Berkman's arrest and trial.

Notes: Dark copy; barely legible.

15446  
June 17, 1917.  
A. B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

Dear Sir:

U.S. VS. EMMA GOLDMAN and ALEXANDER BERKMAN,  
Violation Secs 87 and 832 Cr. C., and Act May 19, 1917.

In order that you may be advised as to the condition of this case, I beg to invite your attention to the fact that many public meetings have been held in this city recently under the auspices of the "No Conscription League", the principal factors in which have been Emma Goldman and Alexander Berkman, both professed and well known anarchists of national reputation.

They have attempted to profess that they have no desire to influence the individual action of any person as to registering or submitting to the Selective Draft under the terms of the Act of May 18, 1917, but the character of their addresses, pamphlets, etc., seem to show plainly that this is merely a subterfuge and that their real purpose has been to induce men of conscriptible age to refuse to register, and later to decline to submit to draft if selected.

Emma Goldman is the owner and editor of a publication known as "Mother Earth", and Alexander Berkman is owner and editor of "The Blast".

Both publications are devoted to the advocacy of anarchistic principles, and are issued from the same place, 20 E. 125th Street, this city, which has been the headquarters of the "No Conscription League", and from which the various pamphlets have been circulated.

The last meeting of this League of a public character, was held on the East side the night of the 14th instant, during which they repeated the same general character of speeches in which they previously indulged.

United States Marshal McCarthy announced in advance his intention of arresting every one who might

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# The Emma Goldman Papers

[Letter] 1917 June 17 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 2 p. ; 28 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley sends Bielaski a status report on Goldman and Berkman's arrest and trial.

Notes: Dark copy; barely legible.

A.B.B.

W.K.O.-6-17-17-

speaking in denunciation of the policies or public officials of the Government of the United States. Immediately upon the close of the meeting, charging them with disorderly conduct, if necessary.

This was contrary to the consensus of opinion of the Police authorities; Assistant United States Attorneys Knox and Conant; and myself; but as Marshal McCarthy declined to recede from his position, you were advised of the situation, following which he received instructions from the Department to make no arrests without warrant.

The following day, the 15th instant, it was determined to proceed, charging Emma Goldman and Alexander Berkman with conspiracy to violate the Act of May 18, 1917, the charge being based largely upon articles appearing in the issue of "Mother Earth" of June, 1917, and "The Blast" of June 1, 1917, as interpreted by the pamphlets and the speeches of the defendants.

A warrant was accordingly issued by United States Commissioner Hitchcock, which was executed by United States Marshal McCarthy, accompanied by several of his deputies; Special Agents Kees and Matthews; and local detective Barnitz.

When the arrests were made the premises were searched and a quantity of address cards, correspondence, checks, money orders, pamphlets, etc., seized as evidence of the crime charged.

The defendants were arraigned yesterday, when they waived examination and were held in bond of \$25,000 each, in default of which they are now in the tobs.

The matter will be at once presented to the Grand Jury, probably beginning on Tuesday morning.

You have samples of most of the circulars to which objection is made, and I enclose herewith copies of "Mother Earth" and "The Blast," and the latest circular, as also of letters written Mr. Conant by the defendants with reference to the recent prosecution of Kruger, Becker and other followers of Goldman and Berkman.

Very truly yours,

W. M. Offley  
Division Superintendent.

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# The Emma Goldman Papers

[Agent Report] In re: Anti-Conscription Matters (Alex. Berkman, M. Hillquit, et al.), New York, 1917 June 19 / Ed[ward] L. Newman [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Newman reports that D. Long gave him information on Berkman and others.

Report Form No. 1

REPORT MADE BY: <b>E. L. Newman.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>June 19, 1917.</b>	PERIOD FOR WHICH MADE: <b>June 18.</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>IN RE: ANTI-CONSCRIPTION MATTERS (ALEX. BERKMAN, M. HILLQUIT, ET AL.) D. LONG, INFORMANT.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  <p style="text-align: right;">RECEIVED JUN 28 1917 Bureau of Investigation DEPARTMENT OF JUSTICE</p> <p>In continuation of the above matter, <u>D. Long</u> called at this office and gave general information, which is known to this office.</p> <p><u>Long</u> is a typical "Bowery habitue".</p>			
COPY OF THIS REPORT FURNISHED TO:  -2-			

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The Emma Goldman Papers

[Memorandum] 1917 June 21, New York [to Thomas Watt Gregory] Attorney General [Department of Justice], Washington, D.C. / Thomas D. McCarthy, U[nited] S[tates] Marshal, Department of Justice. — 1 p. ; 36 × 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 60.  
Summary: Marshal McCarthy requests reimbursement for the cost of two taxis used in the June 15, 1917, arrest of Goldman and Berkman.  
Notes: Upper document only. For reply, see 870212004.

COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

Dept. Form 45 B.  
(SEE INSTRUCTIONS ON REVERSE SIDE.)

Department of Justice.

Southern

District of

New York

New York, June 21, 1917

(Place and date.)

The ATTORNEY GENERAL,  
Washington, D. C.

SIR: Authority to incur the following-described expense is hereby respectfully requested:

Nature of expense: (Describe fully, explaining the necessity—if for personal services giving proposed rate of pay, probable duration of employment, etc.)

On June 15, 1917 I hired two taxi cabs for 2½ hours each for which I have paid in Cash \$12.00 to the Park Place Taxicab Co., stand 28 Park Place, in order to execute warrant for the arrest of Emma Goldman and Alex. Berkman confessed anarchists, who were charged with Viol. Sec. 37 & 332 U.S.C.C. and Sec. 5 Act of May 18, 1917. I considered the use of special conveyances necessary and advisable in this particular case and before hiring the autos I communicated by phone with three different concerns from whom I hoped to obtain autos free of charge; but I was unable to get any on short notice.

The above named defendants are persons who have preached for years the doctrine of opposition to all laws and by their suggestions hope to create disorder and a position to lawful authority. I therefore request that you approve of the expenditure and permit me to pay to my self the amount of the bill \$12.00.

Estimated total expense:

- (a) Personal compensation \$
- (b) Personal expenses
- (c) Other items

APPROVED  
186233-13-4  
JUN 23 1917  
Approved: W.C.F.  
Assistant Attorney General

DEPARTMENT OF JUSTICE.  
WASHINGTON, D. C.

June 26, 1917.  
DEPARTMENT OF JUSTICE  
JUN 22 A.M. 1917  
MAILS AND FILES DIVISION  
DIV. 400

Inasmuch as you had no authority in your hands no authorization for payment of this expense is necessary. You should, however, in preparing your voucher to be included under the appropriation Salaries, Fees and Expenses of Marshals, U. S. Courts. 1917, furnish explanation as to the necessity of incurring the expense.

The United States Marshal for the Southern District of New York is hereby directed to make payment under the above authorization upon the presentation of accounts in duplicate properly prepared. Payment to be made from the appropriation

Inc. 114094.

For the Attorney General:

(Signed) William C. Fitts

Assistant Attorney General.

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# The Emma Goldman Papers

810128127

[Letter] 1917 June 21, Chicago [to William H. Lamar] Solicitor, Post Office Department, Washington, D.C. / W.B. Carlile, Postmaster [Post Office Department]. — 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: The Chicago postmaster held up mailing of *Mother Earth* and asks the solicitor what to do with the copies.

Notes: For reply, see 810128108.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

MAILING DIVISION

United States Post Office

CHICAGO, ILLINOIS

OFFICE OF SUPERINTENDENT OF MAILS

IN YOUR REPLY PLEASE REFER TO  
DATE, INITIAL, AND NUMBER

D-Ry

46647

June 21, 1917.



The Solicitor,  
Post Office Department,  
Washington, D. C.

11  
The enclosed copy of "Mother Earth", a second class publication entered at the New York Office is one of a lot of about 100 copies now held at this office awaiting instructions, under the provisions of paragraph 5, section 481<sup>1</sup>/<sub>2</sub>.

Will you have the kindness to advise this office respecting the disposition to be made of them?

W.B. Carlile  
Postmaster.

Encl



The Emma Goldman Papers

870701000

United States v. Goldman & Berkman: [Docket Sheet] 1917 June 21 to 1921 Feb. 18 / United States District Court [Southern District of New York].— 2 p. ; 31 x 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 21.  
Summary: The District Court lists the proceedings and clerk's fees in Goldman's 1917 anti-conscription trial and subsequent motions.  
Notes: February 18, 1921, represents final repayment of deposit to Harry Weinberger.

UNITED STATES DISTRICT COURT.

Docket

9

4074

TITLE OF CASE.

ATTORNEYS.

United States of America

Emma Goldman  
Alexander Berkman

Conspiracy to induce  
persons not to register.  
337.332 U.S.C. Act  
May 18. 1917.

CASH RECEIVED AND DISBURSED.

ABSTRACT OF COSTS.	AMOUNT.	DATE.		NAME.	RECEIVED.	DISBURSED.
		Month.	Day.	Year.		
Fine,		July	20	1917	Deposit (Weinberger)	500
Clerk,		June	31	1917	Fees earned,	560
Marshal,		MAR	27	1918	Deposit	100
Attorney,		June	30	1918	Fees earned,	600
Commissioner's Court,		July	17	1919	Deposit	1000
Witnesses,		FEB	18	1921	To H. Weinberger	745
					10-	10-

Date.	Month.	Day.	Year.	PROCEEDINGS.	No. of Words.	CLERK'S FEES.	
						PLAINTIFF.	DEFENDANT.
				Filed Indictment.		25	
"	21	"	"	DE/ks. arraigned - plead not guilty. Bail fixed in sum of \$25000. each. June 27. for trial.		30	
"	21	"	"	Filed Order accepting cash bail of \$25000. deposited by Harry Weinberger, 261 Broadway.		25	
"	21	"	"	Filed Recognizance of Emma Goldman.		115	
"	25	"	"	Filed Order accepting cash bail of \$25000, deposited by Harry Weinberger 261 Broadway, N.Y.C.		25	
"	25	"	"	Filed Recognizance. Alex Berkman.		115	
"	27	"	"	On mo. of U.S. Attorney Ordered trial. Exam. of tailismen begun.		15	
"	28	"	"	Exam. of tailismen continued.		15	
"	29	"	"	Jury impaneled and sworn. Present Hon. Mr. Mayer J.	280	15	
July	2	"	"	Trial Continued			
"	3	"	"	"			
"	5	"	"	"			
"	6	"	"	"			
"	9	"	"	Concluded. Verdict guilty as charged.			
"	9	"	"	DE/ks. Emma Goldman sentenced - Two years + to pay a fine of Ten thousand dollars + to stand committed until fine be paid or she is otherwise discharged according to law.			
"	"	"	"	Sentence to be executed in Mo. State Penitentiary, Jefferson City Mo.			
"	9	"	"	DE/ks. Alexander Berkman sentenced to be imprisoned for Two years + to pay a fine of Ten thousand dollars + to stand committed until fine be paid or he is otherwise discharged according to law. Sentence to be executed in U.S. Penitentiary. Atlanta Ga.			
"	11	"	"	Filed Order, Mayer J. Withdrawing Fifty thousand dollars as to Emma Goldman. Balance to be paid on further order of the Court			
"	11	"	"	Filed similar Order as to Alex Berkman.			
"	20	"	"	Petition for writ of Error & Supersedeas, writ assignments of Error & Citation. Bail fixed in sum of \$25000. each. L.D. Brandeis, Ass. Justice U.S.C. -> Top. 510.			140

The Emma Goldman Papers

United States v. Goldman & Berkman: [Docket Sheet] 1917 June 21 to 1921 Feb. 18 / United States District Court [Southern District of New York].— 2 p. ; 31 x 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 21.  
Summary: The District Court lists the proceedings and clerk's fees in Goldman's 1917 anti-conscription trial and subsequent motions.  
Notes: February 18, 1921, represents final repayment of deposit to Harry Weinberger.

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UNITED STATES DISTRICT COURT.

Docket		Continued from page ...	
Date	Proceedings	No. of Words	CLERK'S FEES
			Plaintiff. Defendant.
United States of America			
vs.		9-474	
Emma Goldman			
Alexander Berkman			
July 21 1917	Filed Order L. Hand J. directing production of Emma Goldman in the S.D. of N.Y.		1.40
" 21 "	Filed Order L. Hand J. directing production of Alex Berkman in the S.D. of N.Y.		50
July 11 "	Issued execution as to Berkman and Goldman.		50
" 18 "	Filed Executions. Marshals return attached		20
" 25 "	Filed Note of Issue		10
" 26 "	" a/j/j. Order to show cause, Emil Seelig as bondsman etc.		50
" 28 "	" Order Manton J. as to Emma Goldman transferring \$10,000 to be applied on the supersedeas bond.		10
" 28 "	Filed Order Manton J. depositing \$25,000 in Registry of Court as to Emma Goldman		10
" 29 "	" Order Manton J. withdrawing \$15,000. and substituting real estate bond as to Emma Goldman.		40
" 6 "	" Bond for Costs. Goldman & Berkman.		10
" 16 "	" Order, Manton J. to accept cash bond & apply bail return as fine on bond to let Supreme Court		40
" 16 "	" Order Manton J. for return books, papers, etc.		10
" 19 "	" Bill of Exceptions		10
" 24 "	Certified Record to U.S. Supreme Court.	5.65	50
Aug 1 1918	Filed Order Manton J. U.S. Supreme Court Judgment of U.S. District Court Affirmed.		10
" 4 "	Filed Note of Issue for Feb 8. 18. Mo. to cover cash bond the sum of \$10,000.		10
" 5 "	Filed Order Manton J. directing Clerk to pay to Harry Weinberger the sum of \$15,000.		55
" 14 "	Filed Orders on Mandates (copies) & Return of U.S. Marshals.		10
" 21 "	" Slip adjourning Mo. to Feb 8. 1918. (7/18)		10
" "	Aff't notice of motion to cover into Treasury the sum of \$20,000.		10
" "	Filed Aff't. in opposition to motion to cover into the Treasury the sum of \$20,000		10
" "	Filed Aff't notice of motion to pay to H. Weinberger the sum of \$20,000 out of the Registry of the Court		20
" "	Filed Note of Issue for Mar 5. 18. Mo. to pay H. Weinberger		10
" 11 "	" Opinion (98) A. N. Hand J. granting motion of Harry Weinberger denying Government's motion.		10
" 21 "	Filed Order denying motion of the Government & ordering the Clerk to pay to H. Weinberger the sum of \$20,000, the Clerk's fee of any, out of the registry of the Court.	115 95	115 105
" 17 1919.	Filed Affidavit A Motion to Return \$800. deducted as fees. End. L. Hand J. Motion denied.		10
" 17 "	Filed Order Learned Hand J. Motion denied.		55
" 17 "	" Pet. for Writ of Error, Writ of Error, & Ass. of Error U.S. Sup Ct.		120
" 22 "	" Citation		10
" 10 "	Admission Writ of Error & Citation for mailing to U.S. S Ct.		
" 11 "	Filed bond in sum of \$500. for costs.		
" 10 "	Issued Certificate to C. C. A.		
" 17 "	Filed Note of Issue. Motion to return cash bond.	2.55	

The Emma Goldman Papers

United States v. Goldman & Berkman: Indictment, 1917 [June 21?] / Francis G. Caffey, United States Attorney [Department of Justice]. — 6 p. ; 33 × 22 cm.  
*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*  
**Summary:** Caffey prepares the grand jury's indictment of Goldman and Berkman for conspiracy to violate the Selective Draft Act in speeches and in print.  
**Notes:** Bracketed date assigned by Yale University Library.

District Court of the United States, for the Southern District of New York
THE UNITED STATES OF AMERICA,
VS
EMMA GOLDMAN and ALEXANDER BERKMAN.
(COPY)
INDICTMENT.

# The Emma Goldman Papers

United States v. Goldman & Berkman: Indictment, 1917 [June 21?] / Francis G. Caffey, United States Attorney [Department of Justice]. — 6 p. ; 33 x 22 cm.

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**Summary:** Caffey prepares the grand jury's indictment of Goldman and Berkman for conspiracy to violate the Selective Draft Act in speeches and in print.

**Notes:** Bracketed date assigned by Yale University Library.

[Jun. 4, 1917]

DISTRICT COURT OF THE UNITED STATES OF AMERICA  
for the  
SOUTHERN DISTRICT OF NEW YORK.

At a Stated Term of the District Court of the United States of America for the Southern District of New York, begun and held in the City and County of New York, within and for the District aforesaid, on the first Tuesday of June in the year of our Lord one thousand nine hundred and seventeen, and continued by adjournment to and including the 21st day of June in the year of our Lord one thousand nine hundred and seventeen.

SOUTHERN DISTRICT OF NEW YORK: SS: THE GRAND JURORS OF THE UNITED STATES OF AMERICA, within and for the District aforesaid, on their oath present that on the eighteenth day of May in the year of our Lord one thousand nine hundred and seventeen, the President of the United States of America duly issued his Proclamation as provided by the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States", in which said proclamation the President of the United States duly proclaimed and gave notice to all persons subject to registration in the several States and in the District of Columbia, in accordance with the said Act of Congress approved May 18, 1917, that the time and place of such registration shall be between 7 A. M. and 9 P. M., on the fifth day of June, in the year of our Lord one thousand nine hundred and seventeen, at the registration place in the precinct wherein they may have their permanent homes; that those who shall have attained their twenty-first birthday and who shall not have



## The Emma Goldman Papers

United States v. Goldman & Berkman: Indictment, 1917 [June 21?] / Francis G. Caffey, United States Attorney [Department of Justice]. — 6 p. ; 33 × 22 cm.

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**Summary:** Caffey prepares the grand jury's indictment of Goldman and Berkman for conspiracy to violate the Selective Draft Act in speeches and in print.

**Notes:** Bracketed date assigned by Yale University Library.

attained their thirty-first birthday on or before the day therein named are required to register, excepting only officers and enlisted men in the regular army, the navy, the Marine Corps, and the National Guard and Naval Militia, while in the service of the United States, and officers in the Officers' Reserve Corps, and enlisted men in the Enlisted Reserve Corps, while in active service;

And the Grand Jurors aforesaid, on their oath aforesaid, do further present that Emma Goldman and Alexander Berkman (hereinafter referred to as the defendants) both late of the City and County of New York, in the District aforesaid, heretofore, to wit, on the eighteenth day of May in the year of our Lord one thousand nine hundred and seventeen, and on each and every day thereafter up to and including the date of the filing of this indictment at the Southern District of New York and within the jurisdiction of this Court, unlawfully, wilfully, knowingly and feloniously did conspire together and agree between themselves, and with divers other persons whose names are to the Grand Jurors unknown, to commit an offense against the United States, that is to say: The said defendants unlawfully, wilfully, knowingly and feloniously did conspire together and agree between themselves, and with the said divers persons whose names are to the Grand Jurors unknown, that divers persons whose names are to the Grand Jurors unknown, the same being male persons between the ages of twenty-one and thirty, both inclusive, being subject to registration in accordance with regulations to be prescribed by the President, and upon proclamation by the President and other public notice given by him and by his direction stating the time and place of such registration, being under the

## The Emma Goldman Papers

United States v. Goldman & Berkman: Indictment, 1917 [June 21?] / Francis G. Caffey, United States Attorney [Department of Justice]. — 6 p. ; 33 x 22 cm.

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**Summary:** Caffey prepares the grand jury's indictment of Goldman and Berkman for conspiracy to violate the Selective Draft Act in speeches and in print.

**Notes:** Bracketed date assigned by Yale University Library.

duty as persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia while in the service of the United States, to present themselves for and submit to registration under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States", should unlawfully and wilfully fail and refuse to present themselves for registration and to submit thereto, as provided by the aforementioned Act of Congress approved May 18, 1917;

And the Grand Jurors aforesaid, on their oath aforesaid, do further present that the said defendants, EMMA GOLDMAN and ALEXANDER BERKMAN, unlawfully, wilfully, knowingly and feloniously did conspire together and agree between themselves, and with the said divers persons whose names are to the Grand Jurors unknown, to aid, abet, counsel, command, induce and procure divers persons whose names are to the Grand Jurors unknown, the same being male persons between the ages of twenty-one and thirty, both inclusive, being subject to registration in accordance with regulations to be prescribed by the President, and upon proclamation by the President and other public notice given by him and by his direction stating the time and place of such registration, being under the duty as persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia while in the service of the United States, to present themselves for and submit to registration under the provisions of the Act of Congress approved May 18, 1917, entitled "An Act to authorize the President to increase temporarily

## The Emma Goldman Papers

United States v. Goldman & Berkman: Indictment, 1917 [June 21?] / Francis G. Caffey, United States Attorney [Department of Justice]. — 6 p. ; 33 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Caffey prepares the grand jury's indictment of Goldman and Berkman for conspiracy to violate the Selective Draft Act in speeches and in print.

Notes: Bracketed date assigned by Yale University Library.

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the Military Establishment of the United States", unlawfully and wilfully to fail and refuse to present themselves for registration and to submit thereto, as provided by the aforementioned Act of Congress approved May 18, 1917;

And to effect the object of the said conspiracy the defendant EMMA GOLDMAN, on the eighteenth day of May in the year of our Lord one thousand nine hundred and seventeen, did deliver an address beginning with the words "We don't believe in conscription!", and ending with the words "we can support the point of real freedom and liberty and brotherhood", at a public meeting held in the Harlem River Park and Casino, situate at Second Avenue, 126th to 127th Streets, in the City and County of New York, in the Southern District of New York;

And further to effect the object of the said conspiracy, the defendant ALEXANDER BERKMAN, on the first day of June in the year of our Lord one thousand and nine hundred and seventeen, did publish and cause to be published, in the City and County of New York, in the Southern District of New York, a periodical and publication entitled "The BLAST", "Vol. II. New York, June 1, 1917. No. 5";

And further to effect the object of the said conspiracy, the defendant EMMA GOLDMAN, on the second day of June in the year of our Lord one thousand nine hundred and seventeen, did give to one James A. Hagerty, at the office of the No-Conscription League, situate at 20 East 125th Street, in the City and County of New York, in the Southern District of New York, a copy of a periodical and publication entitled "MOTHER EARTH", "Vol. XII. June, 1917. No. 4";

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**Summary:** Caffey prepares the grand jury's indictment of Goldman and Berkman for conspiracy to violate the Selective Draft Act in speeches and in print.

**Notes:** Bracketed date assigned by Yale University Library.

And further to effect the object of the said conspiracy, the defendant ALEXANDER BERKMAN, on the fourth day of June in the year of our Lord one thousand nine hundred and seventeen, did deliver an address beginning with the words "Comrades, friends and enemies", and ending with the words "You know that after all, the cause of the soldiers and the workers is the common cause.", at a public meeting held at the Hunts Point Palace, situate at 953 Southern Boulevard, in the City of New York and County of Bronx, in the Southern District of New York;

And further to effect the object of the said conspiracy, the defendant EMMA GOLDMAN, on the fourth day of June in the year of our Lord one thousand nine hundred and seventeen, did deliver an address beginning with the words "Men, don't you know that the soldiers came here to disturb the meeting?", and ending with the words "and you will all raise one mighty voice just going to drown militarism", at a public meeting held at the Hunts Point Palace, situate at 953 Southern Boulevard, in the City of New York and County of Bronx, in the Southern District of New York;

Against the peace of the United States and their dignity, and contrary to the form of the statute of the United States in such case made and provided. (Secs 37 and 332 U. S. C. C., and Sec 5 of the Act of May 18, 1917.)

FRANCIS G. CAFFEY,  
United States Attorney.



# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Alleged Vio. Section 37, U.S.C.C., New York, 1917 June 21 / William B. Matthews [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 26 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Matthews reports that he attended Goldman and Berkman's arrest in order to get evidence needed to prosecute them.

Report Form No. 1

15446

REPORT MADE BY: <b>William B. Matthews.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>June 21, 1917.</b>	PERIOD FOR WHICH MADE: <b>June 16.</b>
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TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

**IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN (ALLEGED VIO. SECTION 37, U. S. C. C.).**

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

I today, pursuant to instructions received from Division Superintendent Offley, accompanied Special Agent McGee and members of the force of the United States Marshal's office to the office of Emma Goldman and Berkman at No. 20 East 125th St. and there, pursuant to instructions, secured certain paper writings and other evidence necessary to the prosecution of the above matter. Emma Goldman and Alexander Berkman were placed under arrest and turned over to the custody of the United States Marshal, who took said parties to the Federal Building, whence they were later deposited in the Tombs awaiting the further development of this cause.

RECEIVED  
JUN 25 1917

COPY OF THIS REPORT FURNISHED TO:

67-277

# The Emma Goldman Papers

[Agent Report In re:] United States vs. Emma Goldman and Alexander Berkman — Anti-Conscription Activity, New York, 1917 June 21 / W[illia]m R. Benham [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Benham reports meeting with Assistant United States Attorney Content before testifying before the grand jury regarding conspiracy charges against Goldman and Berkman.

15446

REPORT MADE BY: <b>Wm. R. Benham.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>June 21, 1917.</b>	PERIOD FOR WHICH MADE: <b>June 19.</b>
TITLE OF CASE AND OFFENSE CHARGES OR STATUS OF MATTER UNDER INVESTIGATION: <b>UNITED STATES VS. EMMA GOLDMAN AND ALEXANDER BERKMAN          (ANTI-CONSCRIPTION ACTIVITY).</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, DATES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  <p style="text-align: center;">Pursuant to directions of Division Superintendent Offley,</p> <p>I called upon Harold Content, Assistant United States Attorney, and after a conference with him testified before the Grand Jury, which testimony covered all my information concerning the activities of the aboves-named defendants.</p>			
-2-			

RECEIVED  
JUN 25 '17  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

-1-87

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The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Emma Goldman and Alexander Berkman - Conscription Matter, New York, 1917 June 21 / P. Pignuolo [Agent, Bureau of Investigation, Department of Justice]. - 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Pignuolo reports that he served a subpoena on Walter Powell, who printed some anti-conscription literature for Berkman.

Notes: Light copy; portions illegible.

REPORT FORM NO. 1

REPORT MADE BY: P. Pignuolo	PLACE WHERE MADE: New York City	DATE WHEN MADE: June 21-17	PERIOD FOR WHICH MADE: June 18
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TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

U. S. VS. EMMA GOLDMAN AND ALEXANDER BERKMAN  
Conscription Matter.

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

RECEIVED  
JUN 25 1917  
Bureau of Investigation  
Div. 1-04

15446

Went to the Walker Engraving Co., 141 E. 25th St. Here  
served subpoena on Mr. Walter Powell whom agent had interviewed  
several days ago in reference to some anti conscription literature  
which had been ordered by Berkman. The subpoena requested  
the appearance of Mr. Powell before the Grand Jury on June 19th  
at 10.45 A.M.

COPY OF THIS REPORT FURNISHED TO:



Obtained from the United States National Archives. Institutional Location: Record Group 65.

Notes: Light copy; portions illegible. For more legible copy, see 880603114.

RECEIVED  
JAN 29 1962  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

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# The Emma Goldman Papers

810930150

[Agent Report In re:] U.S. vs. Alexander Berkman, et al. — Anti-Conscription Matter, New York, 1917 June [21?] / H.W. Grunewald [Agent, Bureau of Investigation, Department of Justice]. — 3 p. ; 29 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Agent Grunewald describes his efforts to serve subpoenas on Leonard Abbott and the owner of the Harlem River Casino, in preparation for Goldman's anti-conscription trial.

**Notes:** Light copy; portions illegible. For more legible copy, see 880603114.

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman, et al. — Anti-Conscription Matter, New York, 1917 June [21?] / H.W. Grunewald [Agent, Bureau of Investigation, Department of Justice]. — 3 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Grunewald describes his efforts to serve subpoenas on Leonard Abbott and the owner of the Harlem River Casino, in preparation for Goldman's anti-conscription trial.

Notes: Broken type; light copy; portions illegible. For negative copy, see 810930150.

REPORT MADE BY: H. W. GRUNEWALD	PLACE WHERE MADE: New York City	DATE WHEN MADE: June 19	PERIOD FOR WHICH MADE: June 19
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15446

U. S. VS. ALEXANDER BERKMAN, ET AL.  
Anti-Conscription Matter.

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

Asst.

This A.M. I proceeded to Room 426, to interview U. S. Attorney Content in reference to the information that I got at the office of Emma Goldman, called "Mother Earth."

This P.M. I proceeded to 20 E. 125th St. the "Mother Earth Hall" and headquarters of Emma Goldman followers, and again inquired under pretext as to the whereabouts of one Saxe Cummins, care Melander, who I had seen on the same mission on the 18th and who stated that he did not know where Cummins had gone to, but that immediately after the raid of 20 E. 125th St. by the Police Department he had disappeared and has not been or heard of him since. While I was talking to Cummins I noticed that he had received a telegram from one S. Bernow of 30 Allendale St. Springfield, Mass., the telegram relating to the \$500 sent to the Mother Earth Club at 20 East 125th St. which money was to be paid to Harry Weinberg's lawyer as a fee. Another message was sent to S. Bernow calling on him for more financial aid at once.

A copy of this report will be forwarded to Boston Office.

This afternoon I proceeded to 2d Ave. & 125th St. and there delivered a subpoena for the Superintendent of the Harlem River Casino, said subpoena being given to Walter O. Hollis at 3.30 P.M., who was in charge at that time. Mr. Hollis said he would see that the subpoena was given to the right party.

I proceeded to 63 E. 107th St. to serve a subpoena on Leonard D. Abbott in reference to the above case. The Ferrer Association or Modern School is located at 63 E. 107th St. The caretaker of the Modern School stated that Mr. L. D. Abbott had not been at the school for about 4 or 5 months but that Mr. Abbott was scheduled to

Copy of this report furnished to:  
Boston Office & Asst. U. S. Atty. Content, N.Y. -2-

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## The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman, et al. — Anti-Conscription Matter, New York, 1917 June [21?] / H.W. Grunewald [Agent, Bureau of Investigation, Department of Justice]. — 3 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Grunewald describes his efforts to serve subpoenas on Leonard Abbott and the owner of the Harlem River Casino, in preparation for Goldman's anti-conscription trial.

Notes: Broken type; light copy; portions illegible. For negative copy, see 810930150.

H. W. Grunewald for June 18-17 Terkman.

Spoke on July 3, 1917. From here I proceeded to Abbott's private address at 2985 Briggs Ave. Bronx. Mrs. Manning the owner of the house informed me that Mr. Abbott had left for the country about four weeks ago and that they had not heard of him since. I then asked if Abbott's wife was in, and Mrs. Manning told me that she accompanied her husband to the country and that they still had their furniture in the flat. I then asked Mr. Yasten who occupies the second floor if he knew anything about Abbott's whereabouts. I was informed by Mr. Manning that Yasten was Abbott's brother in law. Mrs. Manning stated that he was not in at the present time, and she did not know where he had gone, although she admitted that Yasten was taking care of Abbott's mail.

I then proceeded to 241 E. 201st St. and inquired as to whether any one had any knowledge of L. B. Abbott. The owner of the house informed me that he knew Abbott very good and knew him to be a rank anarchist, but he did not want to have his name brought into this matter. He knew of his brother in law who also is a rank anarchist, who was occupying the third floor in his house. I then inquired as to his name which informant stated could be found at the door bell. I then learned that the name of the anarchist was A. P. Marchand. Mr. Marchand could not be found at home. I then waited for about 30 minutes for his return. While on the third floor of Marchand's apartment I noticed a sign on one of the doors as follows: "The Philological Publishing Co." This I believe is the printing office of the Anarchistic Society. I then proceeded to the nearest Post Office, which is located at Webster and Gordon Ave. Bronx and here interviewed the Assistant Postmaster, Mr. Murphy who gave me the forwarding address of both Leonard B. Abbott and Rose Yasten which is Box 351 Westfield, N.J.. The carrier on this route also stated that Abbott, Yasten and Marchand were getting a great deal of literature on anti-conscription recently and that he had heard on several occasions that Abbott, Yasten and Marchand were

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## The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman, et al. — Anti-Conscription Matter, New York, 1917 June [21?] / H.W. Grunewald [Agent, Bureau of Investigation, Department of Justice]. — 3 p. ; 28 x 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Agent Grunewald describes his efforts to serve subpoenas on Leonard Abbott and the owner of the Harlem River Casino, in preparation for Goldman's anti-conscription trial.

**Notes:** Broken type; light copy; portions illegible. For negative copy, see 810930150.

H. W. Grunewald      on June 11-17 cont'd. Letter.

rank anarchists. Assistant U. S. Attorney. Content has been  
furnished with a copy of this report.

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# The Emma Goldman Papers

[Agent Report] In re: Cas[s]ius V. Cook, Humanity League—Conscription Law, Chicago, 1917 June 22 / Peter P. Mindak [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: A disgruntled member of Cassius Cook's Rationalist League gives Mindak information on Cook and his relationship with Goldman and Reitman.

REPORT OF AGENT	PLACE WHERE MADE:	DATE WHEN MADE:	PERIOD FOR WHICH MADE:
10776 Peter P. Mindak	Chicago Ill.	June 22nd 1917	June 18th V
TITLE OF CASE AND OTHERS CHARGED OR SUSPECTED IN CASE: BUREAU OF INVESTIGATION			
In re Casius V. Cook. (Humanity League) Conscription Law.			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.			
at Chicago Ill.			
<p>Employee Mindak on this day interviewed a Mr. Atkinson manager of the Hoyburn Theatre at Evanston Ill., who gave the following information about Mr. Casius V. Cook's Sec'y of the Humanity League, which League is spreading anti registration and anti conscription literature.</p> <p>Mr. Atkinson said that he was at one time a lecturer for the Rationalist Ass'n of America of which organization Mr C.V. Cook was an officer. Recently however Mr. CV Cook had permitted Emma Goldman and Ben Reitman to become members and Mr. Atkinson had resigned and severed all connection with this organization. Atkinson described Cook as being a constitutional coward, a schemer, and a begging letter writer. Cook's wife Elizabeth had recently secured a legal separation from him in Seattle Wash. Cook is alleged to be living at 1518 N. LaSalle St Chicago Ill with his stenographer (who poses as his wife) a miss Sadie Bernston. Miss Bernston was Cook's stenographer in 'an Couver in S.C.'. Her parents are supposed to live near Seattle Wash.</p> <p>Atkinson stated that he was quite sure that Cook brought this girl with him from Canada, but he was unable to secure any definite information about this. He said The girl first went to Omaha, and from there came to Chicago Ill; while Cook came direct to Chicago.</p> <p>Mr Atkinson stated that he was on intimate terms with Cook until Goldman and Reitman became members of the Rationalists. He claims to know all the leaders of the Humanity League, and the Anarchistic crowd. He dwelled at length on the actions of Emma Goldman, and her schemes of making money by lecturing. Her game is get into jail on some charge and after getting out to make capital out of it.</p> <p>Mr. Atkinson said that Cook, Reitman and other Anarchists in</p>			
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Chicago office			

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JUN 28 1917  
Bureau of Investigation  
Department of Justice

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## The Emma Goldman Papers

[Agent Report] In re: Cassius V. Cook, Humanity League—Conscription Law, Chicago, 1917 June 22 / Peter P. Mindak [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: A disgruntled member of Cassius Cook's Rationalist League gives Mindak information on Cook and his relationship with Goldman and Reilman.

This city have a headquarters where they receive their telegrams. This headquarters is the home of George R. O'Brien at 1532 Fulton St. Chicago ill. The O'Brien herein mentioned is married to a Elizabeth Harmon, a daughter of Moses Harmon. Emma Goldman and Reilman whenever they come to Chicago are supposed to visit this place frequently.

Atkinson said that his purpose in reporting this matter is not prompted by any revengeful motive but by a desire to show up these leaders who are making much money because of the gullibility of their followers. He thought the fact that Cook is living with this girl as his band and wife, and that she worked for him in Canada, that there might be ground for prosecuting him for White Slavery. He was unable to secure any information of proof of transportation, because he is disliked by this crowd connected with Cook. Atkinson further stated that he will make an effort to secure more information about this league, particularly about Cook and the other officers. The headquarters of the Humanity League as well as the Rationalist Ass'n. is at Room 30 143 North Dearborn St Chicago ill.



# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman and Emma Goldman — Anti-Conscription Matter, New York, 1917 June 22 / P. Pigniuolo [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Pigniuolo serves subpoenas on two New York printing presses, requesting printing orders from Berkman or Goldman.

Notes: Broken type; light copy; barely legible.

Report Form No. 1

7602 ✓

REPORT MADE BY: <b>P. Pigniuolo</b>	PLACE WHERE MADE: <b>New York City</b>	DATE WHEN MADE: <b>June 22-17</b>	PERIOD FOR WHICH MADE: <b>June 19</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:  <b>U. S. VS. ALEXANDER BERKMAN AND EMMA GOLDMAN Anti-Conscription Matter.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.  <div style="float: right; border: 1px solid black; padding: 5px; transform: rotate(-15deg); font-weight: bold;"> RECEIVED  JUN 25 1917  U. S. DEPT. OF JUSTICE </div> <p>was engaged part of this day at the Federal Building and appeared before the Grand Jury and testified in the above matter.</p> <p>Later had a conference with Asst. U. S. Attorney <u>Conant</u> who requested that I procure duces tecum subpoenas and serve the <u>Grayzel Press</u>, a corporation of 129 Lafayette St. and the <u>Graphic Press</u>, a corporation, 53 Cooper Square, New York City.</p> <p>I then reported to Division Superintendent at <u>Coffey</u>, who wrote out the subpoenas for the above corporations requesting that the originals of all orders, manuscript proof sheets, or other papers having to do with orders received by them for printing in the name of <u>Alexander Berkman</u>, <u>Emma Goldman</u>, "<u>The Blast</u>", "<u>Mother Earth</u>" or the "<u>Mother Earth Publishing Co.</u>" between the first day of May, 1917 and the date of service of subpoenas.</p> <p>Later went to the <u>Grayzel Press</u> and there served <u>Sigmond Kantrowitz</u>, who stated he was an officer of the corporation. Later went to the <u>Graphic Press</u> and served <u>Mary Weinstein</u>, who also stated he was an officer of the corporation. The subpoenas demanded their appearance before the Grand Jury on June 20, 1917.</p>			
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# The Emma Goldman Papers

[Letter] 1917 June 22 [St. Louis? Mo.? to] W[illia]m M. Offley [Division Superintendent, Bureau of Investigation, Department of Justice], New York / Edward J. Brennan, Special Agent in Charge [Bureau of Investigation, Department of Justice]. - 1 p.; 25 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Brennan sends Offley a recent issue of *The Blast* along with a subscription list obtained from an undercover informant.

Notes: Broken type.

15446

JUNE 22, 1917.

U. S. VS. EMMA GOLDMAN & ALEXANDER BERGMAN.

MR. W. M. OFFLEY,  
Postoffice Box 241,  
New York, N.Y.

Dear Sir:

I am enclosing you herewith publication of the "BLAST", dated New York, June 1st, 1917, and circular under the caption of "NO CONSCRIPTION" and a subscription list issued from #20 East 125th St., New York City.

These papers have been delivered to me by Mr. Robert Mitchell, Special Agent, Mo. Pacific RR Co., who received them from an informant working out of his office.

This is for your information.

Very truly yours,

*Edward J. Brennan*  
Special Agent in Charge.

RJB/DD  
CC to Chief.

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# The Emma Goldman Papers

[Agent Report In re:] United States vs. Emma Goldman and Alexander Berkman — Anti-Conscription Activities, New York, 1917 June 23 / W[illia]m R. Benham [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Benham attended Goldman and Berkman's grand jury hearing and expects an indictment today.

Report Form No. 1

REPORT MADE BY: <b>Wm. R. Benham.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>June 23, 1917.</b>	PERIOD FOR WHICH MADE: <b>June 20.</b>
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TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:  
**UNITED STATES VS. EMMA GOLDMAN AND ALEXANDER BERKMAN  
ANTI-CONSCRIPTION ACTIVITIES.**

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  
**15446**

Engaged during the entire forenoon in attendance upon  
Harold A. Content, Assistant United States Attorney, who is  
conducting proceedings before the Grand Jury herein. It is  
expected that an indictment will be returned today against  
Berkman and the Goldman women.

RECEIVED  
JUN 20 1917  
BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE

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-2-

The Emma Goldman Papers

[Letter, 1917 June 23, Washington, D.C. to Julius M. Mayer, Judge, United States District Court, New York] / [author unknown]. — 1 p. ; 32 x 12 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 65.  
Summary: Judge Mayer receives an anonymous letter about the anti-draft case before him.  
Notes: Barely legible. Enclosed with 880603034 and 880603036.

STUDENTS TRIED  
AS ANTI-DRAFT  
PLOTTERS

The trial of Owen Cattell, Charles F. Phillips and Miss Eleanor Wilton Parker, Columbia University students, charged with conspiracy against the Government in writing a pamphlet "You Be Drafted" under the description act, is on to-day before United States Judge Mayer. A jury was obtained and witnesses were heard regarding the pamphlet which the accused were having printed when Government agents stepped in and seized the "copy" and proof sheets.

Miss Parker, who won scholarly honors at Barnard College, but did not get her bachelor's degree, she is found guilty in this trial. She accompanied her brother, Owen Cattell, out across a mile from his father, Professor J. McKee Cattell, of Columbia, his mother and his sister, Mr. and Mrs. Mary Phillips were present to see how their son fared. Several Columbia and Barnard students constituted a group that was not of the ordinary courtroom variety.

Morris Hillquit, lawyer for the defendants, exhausted the challenges allowed under the Federal rules and called for a jury free from prejudice against pacifists and conscientious objectors to war. For his part Harold Kontant, Assistant United States Attorney, seemed satisfied if the talesmen said they would not be biased to leniency merely because of the youth of the accused—Miss Parker being nineteen years old, Cattell nineteen and Phillips twenty-two.

INDICTMENTS STAYED

Mr. Hillquit made headway with a motion to have the indictments dismissed on the ground that the description is unconstitutional. Judge Meyer granted it last night.

The first witness called by the Government, Morris Spiegel, president of the Graphic Press, No. 33 Cooper Square, said that Owen Cattell brought to his office on May 15 a manuscript of the pamphlet "You Be Drafted" and ordered it to be ready on May 20 and paid for on account. On May 26 he called at the Graphic Press to see the proof, but was told to return on the following Monday, as the proof was not ready. Before Monday, however, the Government subpoenaed it. Mr. Hillquit got from Mr. Spiegel a statement that none of the defendants ever saw the proof.

Miss Parker, according to the agents of the Department of Justice, who testified, told him on May 25 that she, Cattell and Phillips prepared the manuscript jointly and Phillips did the actual writing. With her approval it bore her name along with the other. She knew what she was doing, realized she might have to go to prison for it and was willing to be punished, they said. The agents said they asked her if she did not regret her act. She replied that she did not and would "do it again in the same way."

None of the three defendants was evasive in replies to questions about the pamphlet, the agents said; they did not try to hide anything.

"SLACKER" INMATE

Of two men who went before Judge Mayer on the charge of failure to register for the Federal draft one proved to be a fugitive from an Ohio hospital and the other, according to the testimony of a psychiatrist, has a mental problem.

William Herrguth, arrested a few days ago on a conspiracy charge in the New York City, No. 100 West One Hundred and Twenty-ninth Street, would not tell where he lived. The Federal investigators suspected that he might be an anarchist hiding important information. In court he was silent, and as he had no counsel Judge Mayer asked Morris Hillquit to take him aside and learn his story.

"You'd better tell us why you re-

...to give the ...  
Hillquit to Herrguth ...  
"I escaped from the hospital ...  
for the escape at Morris Park ...  
last month. Now do you see?" ...  
Hillquit saw and told the Judge ...  
The hospital director said over the telephone that Herrguth told the truth and he will be sent back ...  
The man who has trouble in mental practice, according to Dr. McAniff, a psychiatrist in Calhoun Allen, a printer from Gray County, Kentucky, who says that observations of four killings have made a confirmed pacifist of him. Dr. McAniff testified before Judge Mayer that his opinion was based on Allen's conduct, facial expression and other symptoms.

The Judge asked Assistant United States Attorney Knox to write to Al- ...  
...at ...  
...to it the young men ...  
probably will be sent to his home.

Find Brothers' Bodies  
In Pond in Queens

A pond at Jans and Sherman Streets, Long Island City, to-day has given up the bodies of two little boys of Manhattan. They were drowned on Saturday. A conductor on a shuttle train crossing the Queensboro Bridge saw the boys fall from a raft on the pond. He notified the police.

On Sunday evening Mrs. Julia Dem- ...  
...of No. 21 West Fifty-fifth Street, Manhattan, telephoned to the police to find her sons, Charles and William, aged nine and three, respectively.

I. W. W. Strike Planned  
to Get Slackers Free

Virginia, Minn., June 19.—A General Industrial Workers of the World strike of Mesaba iron miners to-day has been threatened in circles "to workers in iron industry," urging the miners to prepare for a walkout and to demand that the im- ...  
... "follow workers" who are ...  
... of the copper ...  
... strike in Butte, Mont., and say that the Western lumber industry will be tied up.

Thrift Sp

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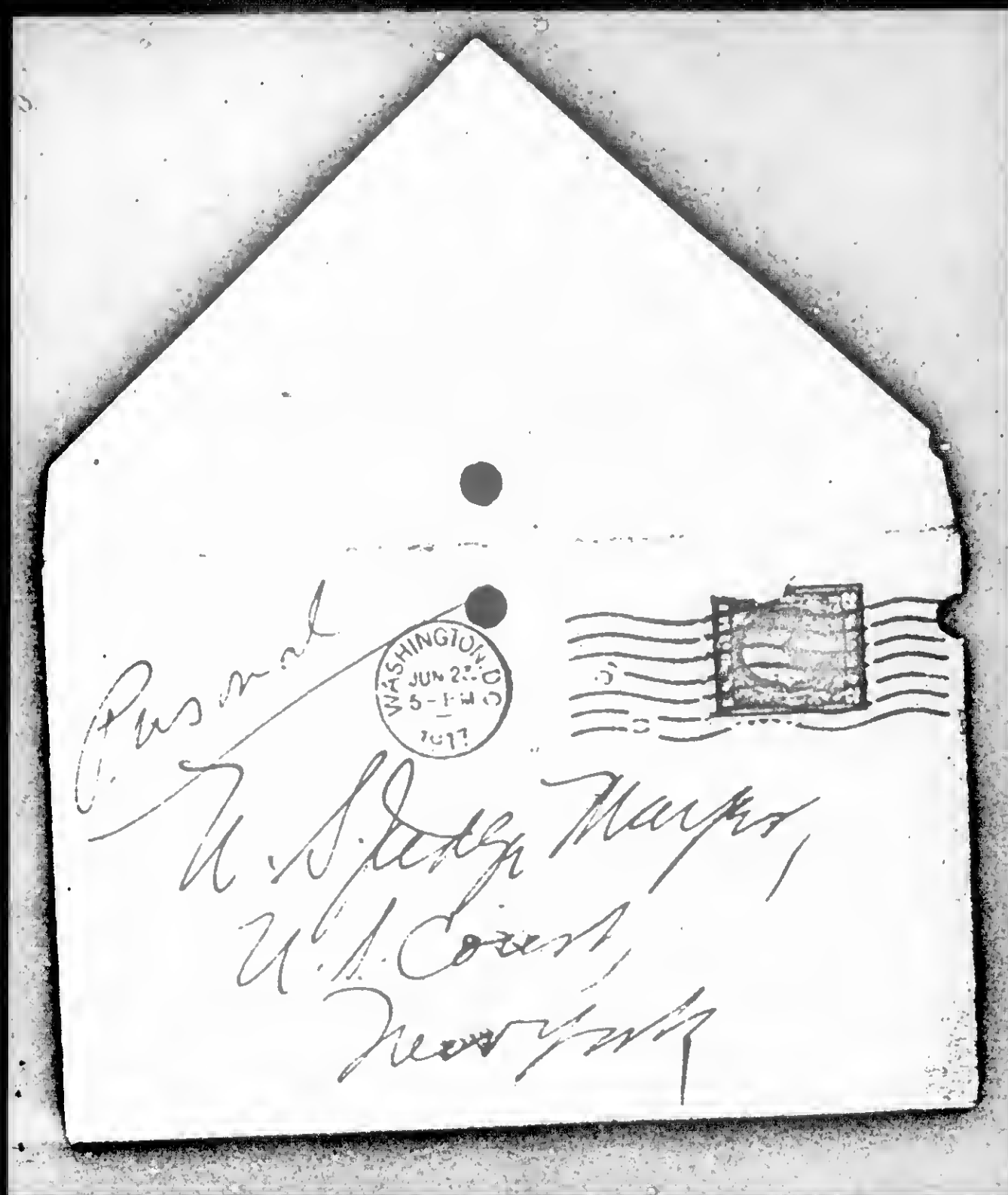
REC

## The Emma Goldman Papers

[Envelope] 1917 June 2[3?] Washington, D.C. [to Julius M.] Mayer, Judge [United States District] Court, New York / [author unknown].— 1 p. ; 15 × 13 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** For enclosure, see 880603035. Enclosed with 880603034.



BEST COPY AVAILABLE



# The Emma Goldman Papers

[Letter] 1917 June 24, Washington, D.C. [to] Harold [A.] Content [Assistant United States Attorney, Department of Justice], New York / Rose Becker. — 1 p. ; 19 x 23 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Rose Becker protests Goldman and Berkman's arrest and warns that this tactic will not kill the movement, but make it grow.

**Notes:** Enclosed with 880603034 and 880603038.

Washington D.C.  
June 24th. 1917.

2

Harold Content  
426 Post Office Bldg.  
New York City.

Dear Sir.

I earnestly protest against throwing them in prison  
the arrest of Emma Goldman and Alexander Berkman.

They fought against that which would make free  
America worse than Germany Militarism and Conscription  
and are therefore thrown in prison

I protest and there are  
others who take an interest in  
their arrest and we will there-  
fore do all in our power to help  
them win their fight.

I hope that you yourself  
Mr Content, will see the injustice  
done to them in their arrest and  
will therefore set them free

at their trial.

Do not think that by

you will kill the movement.

No! The movement will  
then become more alive and  
will yet win the fight for  
freedom.

Respectfully.

Rose Becker  
634 1/2 E. St. N.W.  
Washington D.C.

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# The Emma Goldman Papers

880603038

[Envelope] 1917 June 24, Washington, D.C. [to] Harold [A.] Content [Assistant United States Attorney, Department of Justice], New York / R[ose] Becker.—  
1 p. ; 9 × 14 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Notes: Light copy. For enclosure, see 880603037. Enclosed with 880603034.



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286

# The Emma Goldman Papers

[Letter] 1917 June 24, Washington, D.C. [to] Harold [A.] Content [Assistant United States Attorney, Department of Justice], New York / I. Becker. — 1 p. ; 19 x 23 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Becker thanks Content for arresting Goldman and Berkman, since such action will do tremendous propaganda work for their cause. Becker credits Content with turning him or her into a full-fledged anarchist.

**Notes:** Light copy. Enclosed with 880603034 and 880603039.

Washington D.C.  
June 24th 1917.

Harold B. Content  
426 Post Office Bldg.  
New York City.

Dear Sir.

Mr Content

I think you have done  
good in arresting Emma Goldman  
and Alexander Berkman.

You are doing more  
propaganda work than both  
Goldman and Berkman put  
together.

You want to know the  
reason, well I will tell you.

I was only a sympathizer  
of the socialistic and anar-  
chistic idea, but since their  
arrest, I declare myself as  
an anarchist in the full  
sense of the word. You therefore  
get the credit for making an  
anarchist of me.

I. Becker

634 1/2 E. - 11th St.

Washington D. C.

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## The Emma Goldman Papers

[Envelope] 1917 June 24, Washington, D.C. [to] Harold [A.] Content [Assistant United States Attorney, Department of Justice], New York / I. Becker.—  
1 p. ; 7 × 11 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Light copy. For enclosure, see 880603034.



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# The Emma Goldman Papers

[Telegram] 1917 June 25, Chicago [to] Department of Justice, Washington, D.C. / Cassius [Cook]. — 2 p. ; 29 × 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 60.  
Summary: The League of Humanity condemns the Justice Department's political prosecution of Goldman and Berkman as a violation of free speech and press.  
Notes: Light copy; barely legible.

COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

CLASS OF SERVICE	SYMBOL
Day Message	DL
Night Message	NL
Night Letter	NL

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

## WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	DL
Night Message	NL
Night Letter	NL

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT WYATT BUILDING, COR. 14th AND F STS., WASHINGTON, D. C.

TO: CHICAGO ILLS 24

HEADQUARTERS DEPARTMENT OF JUSTICE

5438

WASHINGTON DC

917 JUN 25 AM 4  
186233-13-5  
DEPARTMENT OF JUSTICE  
JUN 25 A.M. 1917  
MAILS AND TELEVISION  
FITTS

RESOLVED BY THE LEAGUE OF HUMANITY AND FRIENDS OF THE AMERICAN CONSTITUTION IN MASS MEETING ASSEMBLED AT THE WESTSIDE AUDITORIUM THAT THEY UNANIMOUSLY COMMEND TO THE DEPARTMENT OF JUSTICE THE SPIRIT OF THE PROPOGANDA FOR FREEDOM THAT EMMA GOLDMAN AND ALEXANDER BERKMAN HAVE CARRIED ON AGAINST MILITARISM AND FORCE AND THAT WE EXTEND TO THESE SOLDIERS OF LIBERTY OUR SUPPORT AND CONFIDENCE BELIEVING THAT PROSECUTION BY YOUR DEPARTMENT IS POLITICAL PROSECUTION FOR POLITICAL PURPOSES AND NOT IN ACCORDANCE WITH THAT SECTION OF THE CONSTITUTION

BEST COPY AVAILABLE

The Emma Goldman Papers

[Telegram] 1917 June 25, Chicago [to] Department of Justice, Washington, D.C. / Cassius [Cook]. — 2 p. ; 29 x 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 60.  
Summary: The League of Humanity condemns the Justice Department's political prosecution of Goldman and Berkman as a violation of free speech and press.  
Notes: Light copy; barely legible.

COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

CLASS	SERVICE	SYMBOL
Day Message		
Day Letter		Blue
Night Message		Nite
Night Letter		N.L.

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS	SERVICE	SYMBOL
Day Message		
Day Letter		Blue
Night Message		Nite
Night Letter		N.L.

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT WYATT BUILDING, COR. 14th AND F STS., WASHINGTON, D. C.

5438

ATTN: SHEET 2

THE CONGRESS SHOULD EXECUTE

THE FREEDOM OF SPEECH AND PRESS

CHAIRMAN

CASSIUS

BEST COPY AVAILABLE



# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman and Emma Goldman — Anti-Conscription Case, New York, 1917 June 25 / [H.W. Gru]newald [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Grunewald describes his unsuccessful attempts to serve Saxe Cummins and a newspaper reporter with subpoenas to testify at Goldman's trial.

Notes: Light copy.

15446

PLACE WHERE MADE: New York City	DATE WHEN MADE: June 28-17	PERIOD FOR WHICH MADE: June 18
------------------------------------	-------------------------------	-----------------------------------

U. S. VS. ALEXANDER BERKMAN AND EMMA GOLDMAN  
Anti Conscription Case.

RECEIVED  
 JUN 29 1917  
 BUREAU OF INVESTIGATION  
 DEPARTMENT OF JUSTICE

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

This P.M. I proceeded to the New York Herald on 35th St. to serve subpoens on one J. Haggerty, a reporter for the above named paper. I was informed that Haggerty had gone to Flattsburg on Saturday but was expected to return June 19th.

I next proceeded to 20 East 125th St. to serve a subpoena of the U. S. District Court, Southern District of New York on Saxe Cummins, wanted as a witness in the above entitled case. Cummins could not be located, although I gained admittance under pretext to this address but his whereabouts were unknown to Carl Lowlander who was at 20 East 125th St., (Mother Earth Hall.).

-5-

COPIES OF THIS REPORT FURNISHED TO:

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291

# The Emma Goldman Papers

880603033

[Agent Report In re:] United States vs. Alexander Berkman and Emma Goldman —  
Vio. Section 37, U.S.C.C., New York, 1917 June 25 / Marcus Borchardt [Agent, Bureau  
of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 65.  
Summary: Agent Borchardt serves a subpoena on M.E. Fitzgerald.

Report Form No. 1

REPORT MADE BY: Marcus Borchardt. PLACE WHERE MADE: New York, N. Y. DATE WHEN MADE: June 25, 1917. PERIOD FOR WHICH MADE: June 20

TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION

UNITED STATES VS. ALEXANDER BERKMAN AND EMMA GOLDMAN  
(VIO. SECTION 37, U. S. C. C.).

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

Pursuant to instructions, in company with Agent  
Matthews, proceeded to 20 East 125th Street and served a  
subpoena on Miss M. E. Fitzgerald relative to the above-  
mentioned case.

7 FURNISHED TO:

-7-

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292



# The Emma Goldman Papers

[Memorandum, 1917 June 25, Oak Grove [Ore. to C. Riddiford] Inspector in Charge, Post Office Department, [Spokane, Wash. (fragment)] / [Postmaster, Post Office Department]. — 1 p. ; 19 × 9 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** The Oak Grove postmaster sends subversive literature to the inspector in charge.

**Notes:** For related document, see 880603043.

United States Post Office

(MONEY ORDER DIVISION)

June 25<sup>th</sup> 1917

Respectfully Inspector in Charge

I am sending literature wrapped  
in a newspaper just as re-  
ceived by me. Turned over by  
me to find publishers name  
for notification of removal.

The whole sent just as I re-  
ceived it with the exception  
that it is officially sealed.  
Mr. Rex Lampman left Oak  
Grove last October as far  
as I can remember.

He was employed on the Oregon  
Journal of Portland Oregon  
for some time.

He is a newspaper man  
and writer. His political affil-  
iations or beliefs are

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# The Emma Goldman Papers

[Memorandum] 1917 June 26, Washington, D.C. [to Thomas D. McCarthy] United States Marshal, Department of Justice, New York. / William C. Fitts, Assistant Attorney General, Department of Justice. — 1 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Fitts explains how McCarthy can get reimbursed for expenses incurred during Goldman and Berkman's arrest.

Notes: Lower document only. Reply to 810113226.

(SEE INSTRUCTIONS ON REVERSE SIDE.)

Department of Justice.

Southern

District of

New York

New York, June 21, 1917

(Place and date.)

The ATTORNEY GENERAL,

Washington, D. C.

SIR: Authority to incur the following-described expense is hereby respectfully requested:

Nature of expense: (Describe fully, explaining the necessity—if for personal services giving proposed rate of pay, probable duration of employment, etc.)

On June 15, 1917 I hired two taxi cabs for 2½ hours each for which I have paid in Cash \$12.00 to the Park Place Taxicab Co., stand 28 Park Place, in order to execute warrant for the arrest of Emma Goldman and Alex. Berkman confessed anarchists, who were charged with Viol. Sec. 37 & 332 U.S.C.C. and Sec. 5 Act of May 18, 1917. I considered the use of special conveyances necessary and advisable in this particular case and before hiring the autos I communicated by phone with three different concerns from whom I hoped to obtain autos free of charge; but I was unable to get any on short notice.

The above named defendants are persons who have preached for years the doctrine of opposition to all laws and by their suggestions hope to create disorder and opposition to lawful authority. I therefore request that you approve of the expenditure and permit me to pay to my self the amount of the bill \$12.00.

Estimated total expense: \$12.00

(a) Personal compensation \$  
(b) Personal expenses  
(c) Other items

186233-13-4  
JUN 28 1917  
Approved: W.C.F. General

DEPARTMENT OF JUSTICE,  
WASHINGTON, D. C.

June 26, 1917

CS-186233-13-4  
JUN 22 A.M. 1917  
RECORDED

Inasmuch as you had process in your hands no authorization for payment of this expense is necessary. You should, however, in preparing your voucher to be included under the appropriation Salaries, Fees and Expenses of Marshals, U. S. Courts, 1917, furnish explanation as to the necessity of incurring the expense.

The United States Marshal for the Southern District of New York is hereby directed to make payment under the above authorization upon the presentation of accounts in duplicate properly prepared. Payment to be made from the appropriation

Ino. 114094.

For the Attorney General:

(Signed) William C. Fitts

Assistant Attorney General.

BEST COPY AVAILABLE

# The Emma Goldman Papers

[Letter] 1917 June 26, New York [to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / Harold A. Content, Assistant U[nited] S[tates] Attorney, Department of Justice. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Content reports that he is overwhelmed by correspondence from the family of Morris Becker regarding Goldman and Berkman's case.

Notes: For enclosures, see 880603035 through 880603040.

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

H A C - *X* H A C.

15385

Department of Justice

United States Attorney's Office

New York

RECEIVED  
JUN 27 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

15446

June 26 1917

A. Bruce Bielaski, Esq.,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Mr. Bielaski:-

I sent you yesterday a communication from a man named Becker who resides in Washington, which letter refers to the case of United States vs. Emma Goldman and Alexander Berkman. It seems that the entire Becker family have entered into a conspiracy to bombard me with correspondence, and I enclose herewith two more letters which I received from other persons of the name of Becker, residing at the same address. Please give to these the attention which you may deem appropriate.

I also enclose herewith at Judge Mayer's request an envelope with clipping enclosed, which was received by the Judge. I do not know that it will be of any value to you, but it might be well to keep the same among your records. The envelope is also post-marked "Washington."

Respectfully,

*Harold A. Content*

(Encl 14499)

Assistant U. S. Attorney.



# The Emma Goldman Papers

[Letter] 1917 June 26 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Department of Justice]. — 1 p. ; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley suggests that Bielaski investigate the League of Humanity, which supports the work of Goldman and Berkman.

Notes: Barely legible. For telegram mentioned, see 810113003.

June 26, 1917.

A. B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

Dear Sir:

Referring to the pending prosecution here of Emma Goldman and Alexander Berkman in connection with the "No Conscription League", I beg to advise you of the receipt yesterday from Chicago, Illinois, of the following telegram.

"Headquarters Dept of Justice  
New York N.Y.

Resolved by the League of Humanity and Friends of the American Constitution in mass meeting assembled at the West side auditorium that they unanimously demand to the Department of Justice the spirit of the propaganda for freedom that Emma Goldman and Alexander Berkman have carried on against militarism and force and that we extend to these soldiers of liberty our support and confidence believing that prosecution by your department is political prosecution for political purposes and not in accordance with that section of the Constitution which guarantees that the Congress should enact no laws abridging the freedom of speech and press.

Chairman  
CASSIUS COOK."

I would suggest that some enquiry be made by the Chicago office as to the meeting mentioned in this telegram; the persons responsible therefor; and the real purpose of the same.

Very truly yours,

Wm M Offley  
Division Superintendent

(Copy to Chicago)  
Bureau

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**EXPLANATORY NOTE**  
**UNITED STATES V. GOLDMAN AND BERKMAN,**  
**JUNE 27, 1917 – JULY 9, 1917**

---

Goldman and Berkman's trial for speaking out against conscription took place in the United States District Court for the Southern District of New York between June 27 and July 9, 1917. Two major documents from this trial are located elsewhere in the microfilm:

1. The complete transcript of the trial, a document of 824 pages, plus the prosecutor's closing argument and the judge's jury instructions, comprise Reel 57 of the microfilm. These documents were filmed out of chronological sequence in order to avoid splitting them between two reels.

2. A second trial transcript, the 277 page printed version which was prepared for the Supreme Court appeal, is located in the microfilm at September 25, 1917, the date it was submitted to the Supreme Court.

# The Emma Goldman Papers

810113007

[Telegram] 1917 June 27, San Francisco [to] Thomas W[att] Gregory, Attorney General [Department of Justice], Washington, D.C. / Anna E. Chase.—  
1 p. ; 30 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Anna Chase wants the Department of Justice to know that loyal citizens support Goldman and Berkman's stand against conscription.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	White
Night Letter	N.L.

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

## WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Blue
Night Message	White
Night Letter	N.L.

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT WYATT BUILDING, COR. 14TH AND E STS. WASHINGTON, D. C. ALWAYS OPEN

19 8 63 NL

FI SAN FRANCISCO CALIF 26

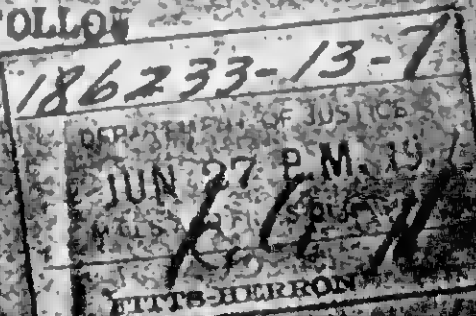
ATTORNEY GENERAL THOMAS E GREGORY

1110

WASHINGTON DC

THE UNDERSIGNED A NONARCHIST DESIRES TO CALL TO YOUR ATTENTION  
THE EXPRESSED OPINION OF A MORE OR LESS CONSERVATIVE GROUP THAT  
THE SEVERE BRUNT OF THE LAW SHOULD NOT BE METED IN THE BERKMAN  
GOLDMAN CASE IN RECOGNITION THAT THEIR COURAGEOUS STAND VOICES  
IN A SENSE A PROTEST AGAINST CONSCRIPTION AMONG A LARGE NUMBER  
OF LOYAL AMERICAN CITIZENS A SIGNED LETTER WILL FOLLOW

ANNA E CHASE



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298



# The Emma Goldman Papers

[Telegram] 1917 June 27, San Francisco [to] Tho[mas] W[att] Gregory, Attorney General [Department of Justice], Washington, D.C. / C.E.S. Wood. — 1 p. ; 29 x 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 60.  
Summary: Wood wants the attorney general to know that many citizens support Goldman and Berkman's right to criticize the government in time of war.

COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

SERVICE	SYMBOL
Day Message	Blue
Day Letter	Blue
Night Message	Blue
Night Letter	NL

If none of these symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

## WESTERN UNION TELEGRAM

CLASS OF SERVICE	SYMBOL
Day Message	Blue
Day Letter	Blue
Night Message	Blue
Night Letter	NL

If none of these symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

RECEIVED AT WYATT BUILDING, COR. 14th AND F STS., WASHINGTON, D. C.

1917 JUN 27 AM 7 27

A129G 49 NL  
SAN FRANCISCO CALIF 26  
THOS W GREGORY  
8554

ATTORNEY GENERAL WASHINGTON DC

BELIEVING A POPULAR PREJUDICE EXISTS AGAINST ALEXANDER BERKMAN AND  
EMMA GOLDMAN I WISH TO EMPHASIZE THAT MANY NATIVE BORN CITIZENS OF  
THIS COUNTRY FEEL THAT A FORCIBLE DENIAL OF THE RIGHT OF  
CITIZENS TO CRITICIZE ACTS OF THEIR GOVERNMENT EVEN IN  
TIME OF WAR IS A DENIAL OF DEMOCRACY.

CHARLES ERSKINE SCOTT WOOD

186233-13-8  
JUN 27 P.M.  
MAIL AND TELEGRAPH  
U.S. DEPT. OF JUSTICE

BEST COPY AVAILABLE

# The Emma Goldman Papers

[Telegram] 1917 June 27, San Francisco [to] Thomas W[att] Gr[e]gory, Attorney General [Department of Justice], Washington, D.C. / Sara Bard Field.—  
1 p.; 27 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Sara Bard Field urges the attorney general not to make scapegoats of Goldman and Berkman for opinions held by many.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Bl
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

## WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Day Message	
Day Letter	Bl
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a day message. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT WYATT BUILDING, COR. 14th AND F STS., WASHINGTON, D. C.

1917 JUN 27 AM 7 26

A130G 49 NL

SAN FRANCISCO CALIF 26

THOMAS W GREGORY

8553

ATTORNEY GENERAL WASHINGTON DC

HUNDREDS OF THOUSANDS OF AMERICAN CITIZENS HOLD SIMILAR OPINIONS TO  
THOSE FOR WHICH EMMA GOLDMAN AND ALEXANDER BERKMAN WERE  
ARRESTED WE APPEAL TO YOU TO SEE THAT THEY ARE NOT MADE  
SCAPEGOATS FOR THAT PUBLIC OPINION WHICH CANNOT CONSCIENTIOUSLY  
SUBSCRIBE TO THE ANTIDEMOCRATIC MOVEMENTS IN CONNECTION WITH THIS WAR  
SARA BARD FIELD.

186233-13-9

JUN 27 P.M. 1917

MAILS FILE DIVISION

RECEIVED

BEST COPY AVAILABLE

300



# The Emma Goldman Papers

[Letter] 1917 June 28, New York [to] Albert S. Burleson, Postmaster General [Post Office Department], Washington, D.C. / Harry Weinberger. — 1 p. ; 36 × 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 28.

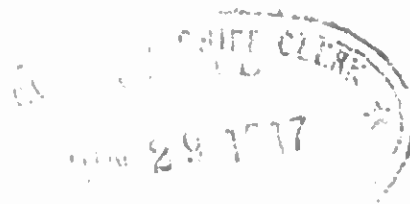
Summary: Weinberger asks the Post Office to stop intercepting all mail addressed to Goldman and Mother Earth.

Notes: For response, see 810128110 and 850712398.

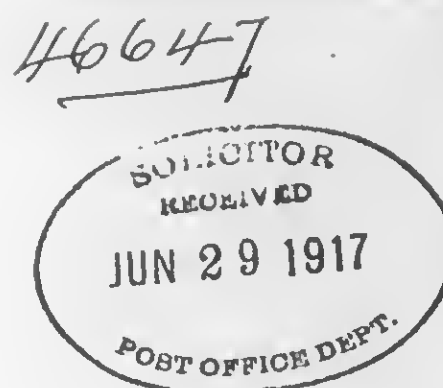
Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

File



HARRY WEINBERGER  
COUNSELOR AT LAW  
261 BROADWAY, NEW YORK  
TELEPHONE CONNECTION



June 28, 1917

Mr. Albert S. Burleson,  
U.S. Postmaster General,  
Washington, D. C.

Dear Sir:

Will you kindly inform me as to why letters addressed to Mother Earth Publishing Company, 20 East 125th Street or Miss Emma Goldman, 20 East 125th Street, New York City, have been held up and remains under the ban by the Post Office Department, which has been done without any notice or intimation given either to Mother Earth Publishing Company or Miss Goldman.

Will you kindly order their mail to be delivered.

Thanking you for an early reply, I am

Respectfully yours,

*Harry Weinberger*  
Attorney for the Mother Earth  
Pub. Co. and Emma Goldman.

(2)

Weinberg

## The Emma Goldman Papers

[Letter] 1917 June 28 [New York to] George Creel [Chairman, Committee on Public Information], Washington, D.C. / [Harry Weinberger]. — 1 p. ; 28 x 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger asks Creel to investigate the Post Office's withholding of Goldman and Berkman's mail.

**Notes:** Broken type. For enclosures, see 810128109 and 850712394. For reply, see 850625271.

June 28, 1917.

George Creel, Esq.,  
U.S. Bureau of Customs,  
Washington, D. C.

My dear Mr. Creel:

I enclose you herewith copies of four letters in reference to the holding up of the mail of the Mother Earth Publishing Company and Miss Emma Goldman; and "The Blast" and Alexander Berkman.

I would appreciate it as would Miss Goldman and Mr. Berkman if you would inquire and see what could be done to allow their mail to be delivered.

I am,

Sincerely yours,

BEST COPY AVAILABLE

# The Emma Goldman Papers

[Letter] 1917 June 28, New York [to Thomas G. Patten] Postmaster [Post Office Department], New York / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger asks why the Post Office is withholding mail from Goldman and the Mother Earth Publishing Association.

**Notes:** Broken type; light copy; portions illegible. For reply, see 850712395.

June 28. 1917

Postmaster, New York City,  
6th Ave. & 33rd Street  
New York City.

Dear Sir:

Will you kindly inform me as to why letters addressed to Mother Earth Publishing Company, 20 East 135th Street or Miss Emma Goldman, 20 East 135th Street, New York City, have been held up and remains under the ban by the Post Office Department, which has been done without any notice or intimation given either to Mother Earth Publishing Company or Miss Goldman.

Will you kindly order their mail to be delivered.

Thanking you for an early reply, I am

Respectfully yours,

Attorney for Mother Earth Pub. Co  
and Emma Goldman.

BEST COPY AVAILABLE

# The Emma Goldman Papers

[Letter] 1917 June 28 [Washington, D.C. to] H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice], Chicago / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 2 p. ; 25 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski directs Clabaugh to investigate the League of Humanity.

Notes: Barely legible. For telegram mentioned, see 810113003.

JHK:BYM

15446

June 22, 1917.

H. G. Clabaugh, Esq.,

Box 452,

Chicago, Ill.

Dear Sir:-

I am in receipt of a communication from Superintendent Offley of New York, in which he advises that a telegram from Chicago, Illinois, was yesterday received at New York City, in connection with the prosecution of Emma Goldman and Alexander Berkman of the No-Conscription League. This telegram was directed to the Headquarters, Department of Justice, New York, N.Y., and reads as follows:-

X

"Resolved by the League of Humanity and Friends of the American Constitution in mass meeting assembled at the West side Auditorium that they unanimously commend to the Department of Justice the spirit of the propaganda for freedom that Emma Goldman and Alexander Berkman have carried on against militarism and force and that we extend to these soldiers of liberty our support and confident belief in that prosecution by your department is political prosecution for political purposes and not in accordance with that section of the Constitution which guarantees that the Congress should enact no laws abridging the freedom of speech and press.

Chairman, X

Carolina Cook."

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## The Emma Goldman Papers

[Letter] 1917 June 28 [Washington, D.C. to] H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice], Chicago / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 2 p. ; 25 × 18 cm.  
*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Bielaski directs Clabaugh to investigate the League of Humanity.

**Notes:** Barely legible. For telegram mentioned, see 810113003.

W. H. O'Leary, June 28, 1917,

page 2.

Please inquire as to the nature of the meeting mentioned in the telegram and the persons responsible therefore, and report the same at your earliest convenience.

Yours very truly,

Chief.

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# The Emma Goldman Papers

[Letter] 1917 June 28, Spokane, Wash. [to George M. Sutton?] Chief Inspector [Post Office Department, Washington, D.C.?] / C. Riddiford, Inspector in Charge, Post Office Department. — 1 p. ; 25 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Riddiford sends the chief postal inspector a recent copy of *Mother Earth* intercepted in the mail as undeliverable.

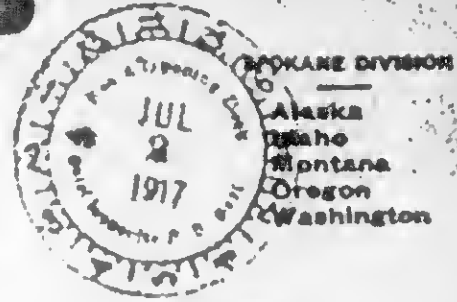
Notes: For related document, see 880603032.

CASE No.

C. Riddiford,  
Inspector in Charge  
V-B

Post Office Department  
OFFICE OF THE INSPECTOR IN CHARGE

SPOKANE, WASH. June 28, 1917.



15446

The Chief Inspector:

There is enclosed a copy of "Mother Earth", published by Emma Goldman, 20 East 125th Street, New York, New York, addressed to R. Langman, Oak Grove, Oregon.

The paper was undeliverable, and is transmitted by the postmaster as being unmailable under Section 481, P.L. & R.

*C. Riddiford*

Inspector in Charge.

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# The Emma Goldman Papers

[Agent Report] In re: Tom Burns and Mirovitch—Anarchistic agitators, Portland, Ore., 1917 June 28 / Bryon, Agent [Bureau of Investigation, Department of Justice]. — 1 p.; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Bryon describes current I.W.W. activities in Portland and notes the arrival of agitators, Tom Burns and Mirovitch, supposedly under Goldman's direction.

REPORT FORM NO. 1

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Page #5

TRIPLICATE

REPORT MADE BY Agent Bryon

Portland, Ore

June 28-17

June 21-17

TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

In re Tom Burns and Mirovitch  
Anarchistic agitators

10110-130

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

Portland:

The above named paid of agitators recently came from New York and according to Informant Lovinsky were under the direction of Emma Goldman. Tom Burns is a well known local agitator. Recently, upon the arrest of Emma Goldman, he advised Lovinsky that it would be necessary from now on to be very careful; that while he, Burns, would like to start something, it was his opinion that Emma Goldman would be held in jail until the close of the war. This Tom Burns is a particularly dangerous man, well known to the Portland police in times gone by, and many times arrested. He claimed to informant Lovinsky that they were about to start a bomb crusade and had intended to create a reign of terror during the Rose Carnival, just past. They now claim their reign of terror will be participated in the Fourth of July celebration and that they are circulating petitions to get signers to make an immense demonstration against conscription at that time. They are also agitating strikes among the harvest hands in the wheat fields and the employees in the logging camps, who are getting out ship timber.

A number of young fellows have been brought to this office for investigation, concerning their registration. They are always well supplied with I.W.W. literature of the most violent kind. The latest supply emanates from William D. Heywood, well known to the Bureau, whose headquarters are in Chicago. It may be here stated that there is considerable agitation among these I.W.W.s concerning proposals to burn wheat fields, logging camps and forests during the coming dry season. Insurance companies, as agent is informed, are also agitating this propaganda, possibly for increased insurance rates.

COPY OF THIS REPORT FURNISHED TO:

67 77

U.S. Atty., Portland.

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# The Emma Goldman Papers

[Letter] 1917 June 29 [Washington, D.C. to Thomas G. Patten] Postmaster [Post Office Department], New York / W[illiam] H. Lamar, Solicitor [Post Office Department]. — 1 p. ; 32 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar asks Patten if he is withholding Goldman and *Mother Earth's* mail, as Harry Weinberger charges.

**Notes:** Response to 810128109.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-W

June 29, 1917.

Postmaster,  
New York, New York.

I am in receipt of a letter dated June 28th from Mr. Harry Weinberger, Attorney at Law, 261 Broadway, New York, which reads as follows:

"Will you kindly inform me as to why letters addressed to Mother Earth Publishing Company, 20 East 125th Street, or Miss Emma Goldman, 20 East 125th Street, New York City, have been held up and remain under the ban by the Post Office Department, which has been done without any notice or intimation given either to Mother Earth Publishing Company or Miss Goldman?

"Will you kindly order their mail to be delivered?"

Before replying to this communication, it is requested that you submit a report of the matter to this Office as soon as possible.

(Signed) W. H. LAMAR

Solicitor.



## The Emma Goldman Papers

[Letter] 1917 June 29 [Washington, D.C. to Thomas G. Patten] Postmaster [Post Office Department], New York / W[illiam] H. Lamar, Solicitor [Post Office Department].— 1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar advises Patten that the June 1917 issue of *Mother Earth* is nonmailable under the new Espionage Act.

**Notes:** Reply to 810128035.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-8

June 29, 1917.

Postmaster,  
New York, New York.

Referring to previous correspondence with reference to the publication "Mother Earth", I have to advise you that the June, 1917, issue, Vol. XII, No. 4, which you submitted, is nonmailable under the Act of June 15, 1917 (Section 481-1/2 P.L. & R., 1913).

(Signed) W. H. LAMAR

Solicitor.

## The Emma Goldman Papers

[Letter] 1917 June 29, Washington, D.C. [to] Harry Weinberger, New York / George Creel, Chairman, Committee on Public Information. — 1 p. ; 27 × 21 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Creel notifies Weinberger that he can do nothing about *Mother Earth's* mail.

**Notes:** Reply to 850625270.

GEORGE CREEL, CHAIRMAN  
THE SECRETARY OF STATE  
THE SECRETARY OF WAR  
THE SECRETARY OF THE NAVY

### COMMITTEE ON PUBLIC INFORMATION

WASHINGTON, D.C.

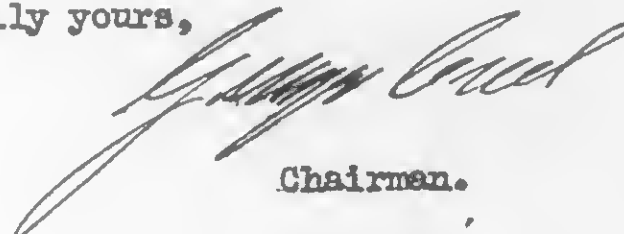
June 29, 1917.

Mr. Harry Weinberger,  
Attorney At Law,  
261 Broadway,  
New York City, New York.

Dear Mr. Weinberger:

I am in receipt of your letter of the 28th instant, together with enclosures, and in reply have to inform you that this matter is under the sole jurisdiction of the Post Office Department.

Cordially yours,

  
Chairman.

H.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

Notes: Light copy; portions illegible. Incomplete. For related documents, see 811222063, 870722000, 870722001, and 870722003.

June 17, 1917  
June 18, 1917  
June 19, 1917

RECEIVED  
JUN 18 1917  
U.S. DEPT. OF JUSTICE

Alphonse, this.

For several weeks reports have been coming in concerning one Abraham Schneider.

A confidential informant of this office has been in touch with Schneider from time to time, and following are reports of his conversations with Schneider.

Saturday June 16th, 1917.

Met Schneider and asked him what was new.

"Russ Goldstein and Alex Berkman are under arrest, and will have to find \$25,000 bond," Schneider replied.

"Do you think they can get it?" I questioned.

"No I do not, and that is where the thing will start. You must not think they are the only two in the country. Do you know that there are over five million Anarchists in this country. I know some of the most influential business men who are ready today with everything they have got. Just 25 of them rich men here on West Market Street alone could raise \$25,000."

This is company with Mrs. Prover, Prof. Hearing on proof, Schneider remarked as follows:

"That Russia accomplished is a revolutionary way." "I do not agree with you, they would have to change first. The stages of society will again rule in Russia, not in a democratic style," Prof. Hearing said.

"Never. It will be divided into four states and they will be controlled by the radicals, and they will get everything as soon as the Government is organized. I am going to Russia to see how it works when it is free," Schneider said.

"What do you expect?"

"I sent a telegram to Russia saying, 'Russian people do not give American Commission any help or encouragement.' If they do if they would get it, I said yes."

"Schneider"

"The Russian revolutionists are holding funds, and the American officials."

The Mrs. Prover and Prof. Hearing in this regard, a very prominent Socialist here in Alphonse might term say the brains of the Party. They are in the same place, but never herself comes out in the open. A woman is being kept in an endeavor to control the trade, and is reported to be in the hands of the government.

Informant met Schneider at 100 East 1st Street, New York City, on June 17th, 1917, at which time the informant expressed fear to Schneider.

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Emma Goldman and Alexander Berkman — Anti-Conscription Matter, New York, 1917 June 29 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker examines the materials seized during Goldman's arrest to determine their value to the prosecution.

Report Form No. 1

13446

REPORT MADE BY: <b>J.G. Tucker</b>	PLACE WHERE MADE: <b>New York, N.Y.</b>	DATE MADE: <b>June 29-1917</b>
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:		PERIOD FOR WHICH MADE: <b>June 18-17</b>
<p style="text-align: center;"><b>U.S. vs Emma Goldman and Alexander Berkman Anti-Conscription Matter.</b></p>		
<p style="font-size: small;">STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.</p> <p>Under direction of Division Superintendent Offley, I was engaged during the entire day at room #317 Federal Building, examining with Detective Sergeant Barnitz, the books, papers and checks secured at the office of the above defendants at the time of their arrest, for the purpose of securing such of them as might be of value to the Government in the prosecution of the case.</p>		
<p>COPY OF THIS REPORT FURNISHED TO: <b>N.Y. Office.</b></p>		

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Emma Goldman and Alexander Berkman — Anti-Conscription Matter, New York, 1917 June 29 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker continues his examination of the material seized during Goldman's arrest.

Notes: Follow-up to 880603049.

REPORT FORM NO. 1

REPORT MADE BY: <b>J.G. Tucker</b>	PLACE WHERE MADE: <b>New York, N.Y.</b>	DATE MADE: <b>June 29-1917</b>	PERIOD FOR WHICH MADE: <b>June 19-17</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>U.S. vs Emma Goldman and Alexander Berkman. Anti-Conscription Matter.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC. <b>Was engaged during the entire day continuing above investigation with Detective Sergeant Barnitz at Room #317 Federal Building.</b>			
15446			
COPY OF THIS REPORT FURNISHED TO: <b>N.Y. Office.</b>			
p 2.			

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Emma Goldman and Alexander Berkman—Anti-Conscription Matter, New York, 1917 June 29 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker continues sorting the material seized during Goldman's arrest, looking for incriminating evidence.

Notes: Follow-up to 880603049 and 880603050.

REPORT FORM NO. 1

REPORT MADE BY: <b>J.G. Tucker</b>	PLACE WHERE MADE: <b>New York, N.Y.</b>	DATE WHEN MADE: <b>June 29-1917.</b>	PERIOD FOR WHICH MADE: <b>June 20-27</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>U.S. vs Emma Goldman and Alexander Berkman Anti-Conscription Matter.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  Continuing the above investigation, I was to-day again engaged at Room #317 Federal Building in the examination, with Detective Sergeant Barnitz, of the books and papers seized at the office of the above defendants at the time of their arrest.  <div style="text-align: center;">15446</div>			
COPY OF THIS REPORT FURNISHED TO: <b>N.Y. Office.</b>			
page 2			

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs Emma Goldman and Alexander Berkman — Anti-Conscription Matter, New York, 1917 June 29 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: While examining material seized during Goldman's arrest, Agent Tucker found a letter from Ben Levin, an anarchist who opposes conscription.

Report Form No. 1

15446

REPORT MADE BY: <b>J.G. Tucker</b>	PLACE WHERE MADE: <b>New York, N.Y.</b>	DATE MADE: <b>June 29-1917</b>	PERIOD FOR WHICH MADE: <b>June 21-27</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>U.S. vs Emma Goldman and Alexander Berkman. Anti-Conscription Matter.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <p>Was to-day engaged for the greater part at Room #3174, Federal Building with Detective Sergeant Barnetz examining books and papers secured at the office of the above at the time of their arrest.</p> <p>Amongst letters found was one from Chicago as follows:</p> <p>" #1662 Harrison Street, Chicago, Ills. May 29, 1917</p> <p>No Conscription League.</p> <p>New York, N.Y.</p> <p>Dear Comrade:</p> <p>I was very glad to read of the formation of the "No Conscription League". It is an essential thing right now. I am an Anarchist, and shall oppose conscription no matter what the consequences may be. I shall also help the above mentioned league as much as possible.</p> <p>(Signed) No Conscriptionist Ben. Levin. "</p> <p>A copy of this report is being forwarded to the Chicago office for their information.</p>			
COPIES OF THIS REPORT FURNISHED TO: <b>New York and Chicago offices.</b>			

p 2.

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs Emma Goldman and Alexander Berkman — Anti-Conscription Matter, New York, 1917 June 29 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 34 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Tucker reports that he served subpoenas for Berkman and Goldman's anti-conscription trial.

Notes: Broken type; barely legible.

J.C. Tucker

New York, N.Y.

June 29-1917

June 22

U.S. vs Emma Goldman and Alexander Berkman.  
Anti-Conscription Matter.

Was to-day engaged under direction of Div. Supt. Coffey assisting  
Assistant U.S. Att'y General on the above case. During the day I al-  
so served Lucas T. T. subpoenas on Thomas Coggins, Deputy Clerk,  
Court of General Sessions and Allen McGloin manager of Wood & Buc-  
ley, 17 Vandewater Street.

New York Office.

p 2.

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Anti-Conscription Propagandists, New York, 1917 June 29 / T.J. McGee [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 27 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent McGee describes Goldman and Berkman's arrest, the search of their office and seizure of their papers.

Report Form No. 1

15446

REPORT MADE BY: T. J. McGee	PLACE WHERE MADE: New York City	DATE WHEN MADE: June 29 1917	PERIOD FOR WHICH MADE: June 2 15 '17
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IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN,  
Anti-Conscription Propagandists

At the direction of Division Superintendent [RECEIVED JUL 8 1917] proceeded with United States Marshal McCarthy, Detective George Barnitz, of the New York Police Department, and several other officials to No. 20 East 125th Street, the offices of "Mother Earth" and "The Blast". Berkman and Miss Goldman were taken into custody by the Marshal and Agent having been instructed by Division Superintendent Offley to make a thorough search of the premises in order to obtain all possible incriminating evidence, directed the movements of the police and the deputy marshals who had been left in my charge by Detective Barnitz and Marshal McCarthy.

Numerous card index files and lists containing the names of subscribers to the aforementioned publications were obtained. Correspondence and communications were also taken from the desks of both Miss Goldman and Berkman. Copies of the issues of "Mother Earth", "The Blast" and other Anarchistic publications were obtained for use as evidence, and at my direction Agent Matthews searched the desk of Miss Goldman and obtained numerous money orders which were held by Matthews on instructions which I received by telephone from U. S. Attorney Knox.

After the prisoners had left, one Mary Eleanor Fitzgerald remained as the representative of Berkman and Miss Goldman. This woman, who was born in Hancock, Wisconsin, and was formerly a school teacher there, has been an associate editor of "The Blast" and has been on intimate terms with Berkman, according to her own statement, for some years. She followed Berkman from San Francisco to New York City some few months ago and gave as her New York address, the Brevoort Hotel. Her San Francisco address is 569 Dolores

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## The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Anti-Conscription Propagandists, New York, 1917 June 29 / T.J. McGee [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 27 × 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Agent McGee describes Goldman and Berkman's arrest, the search of their office and seizure of their papers.

REPORT FORM No. 2

In Re: Emma Goldman and Alexander Berkman.

for June 15, 1917.

Street, care of Alexander Berkman.

Another person left at the offices of Emma Goldman and acting as her representative after she had been arrested, was one Walter Lorchant, who informed Agent that he has known Miss Goldman for quite some time and that he is a Radical in his beliefs. This man resides at 20 St. Mark's Place, New York City.

Agent learned that Miss Goldman rents the first floor of No. 20 East 125th Street, wherein "Mother Earth" is published, and Berkman rents the second floor for the editing of "The Blast". These suites are rented from Will B. Barnett, real estate operator, No. 11 East 125th Street, New York City.

During the course of my search I found a certificate of deposit dated June 14th, 1917, No. 536, showing that Emma Goldman had deposited with the Harlem Branch of the New York Produce Exchange, \$2400.00, payable to the order of herself. This certificate was signed by A. W. Schmid, Teller. A mass of data, including publications, letter files, etc., were loaded in the Police Patrol wagon and taken to the Post Office Building, and deposited in the office of the U. S. Marshal.

Agent discontinued at 9:00 PM.

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Anti-Conscription Propagandists, New York, 1917 June 29 / T.J. McGee [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent McGee reports testifying before the grand jury that indicted Goldman and Berkman.

REPORT MADE BY: <b>T. J. McGee</b>	PLACE WHERE MADE: <b>New York City</b>	DATE WHEN MADE: <b>June 29 1917</b>	PERIOD FOR WHICH MADE: <b>June 22 '17</b>
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TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:

**IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN,  
Anti-Conscription Propagandists**

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

**15446**

Pursuant to instructions of Division Superintendent [illegible], proceeded to the Federal Building, Manhattan, and there testified before the Grand Jury with reference to Miss Goldman and Berkman, who were indicted and held for trial.

COPIES OF THIS REPORT FURNISHED TO:

**pmb**

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Anti-Conscription Propagandists, New York, 1917 June 29 / T.J. McGee [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent McGee prepares to testify at Goldman and Berkman's anti-conscription trial.

Report Form No. 1

REPORT MADE BY: <b>T. J. McGee</b>	PLACE WHERE MADE: <b>New York City</b>	DATE WHEN MADE: <b>June 29 1917</b>	PERIOD FOR WHICH MADE: <b>June 26 '17</b>
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:  <b>IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN, Anti-Conscription Propagandists. 15446</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  <p>Called at the New York Office of the Bureau, and was instructed by Division Superintendent Offley to hold myself in readiness to testify as a witness in the trial of the above named persons, which would probably commence on Thursday, June 28th.</p> <p>Called to see Asst. U. S. Attorney Content with reference to the matter.</p>			
-3-			
pmb			
COPY OF THIS REPORT FURNISHED TO:			



# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman and Emma Goldman — Anti Conscription Case, New York, 1917 June 29 / P. Pigniuolo [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 22 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Pigniuolo attends Goldman and Berkman's trial.

REPORT MADE BY: **P. Pigniuolo** PLACE WHERE MADE: **New York City** DATE: **June 29-17**

TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:  
**U. S. VS. ALEXANDER BERKMAN and EMMA GOLDMAN**  
**Anti Conscription Case**

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.  
**15446**

**RECEIVED**  
**JUN 5 1917**  
**BUREAU of Investigation**  
**DEPARTMENT OF JUSTICE**

Was engaged during the entire day at the Federal Building where the trial of the above named defendants was begun. Anarchists in great numbers filled the corridors of the Federal Building and the vicinity.

COPY OF THIS REPORT FURNISHED TO:

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# The Emma Goldman Papers

[Agent Report] In re: Alexander Berkman and Emma Goldman—Anti-Conscription Matter, New York, 1917 June 29 / H.W. Grunewald [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Grunewald attends Goldman and Berkman's trial.

REPORT FORM NO. 1

REPORT MADE BY: <b>H. W. Grunewald</b>	PLACE WHERE MADE: <b>New York City</b>	DATE MADE: <b>June 29-17</b>	PERIOD FOR WHICH MADE: <b>June 27</b>
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TITLE BY CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:

**IN RE ALEXANDER BERKMAN AND EMMA GOLDMAN  
Anti Conscription Matter.**

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

15446

This A.M. in company of Agent Pignuolo proceeded to  
District Court Room 433 and here attended the trial of these  
conspirators, Alexander Berkman and Emma Goldman.

RECEIVED  
JUL 3 1917  
BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE

COPY OF THIS REPORT FURNISHED TO:

-2-

BEST COPY AVAILABLE

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman, Cleveland, Ohio, 1917 June 29 / Francis, Special Agent [Bureau of Investigation, Department of Justice]. — 1 p. ; 27 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Francis searches a package thought to be sent to Emma Goldman, but really sent to A. Goldman. The package contains part of a pipe organ.

REPORT MADE BY:	PLACE WHERE MADE:	DATE WHEN MADE:
Special Agent Francis	Cleveland, Ohio.	June 29, 1917
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:		
In re: Emma Goldman.		
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.		
<p>Cleveland, Ohio:</p> <p>15446</p> <p>Visited American Express Co. to examine alleged package of papers addressed to Emma Goldman. The package really was addressed to A. Goldman and contained part of a pipe organ.</p>		
COPY OF THIS REPORT FURNISHED TO:		

RECEIVED  
JUL 5 1917  
BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE

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# The Emma Goldman Papers


810331024

[Agent Report In re:] U.S. vs. Alexander Berkman and Emma Goldman—German Activities, New York, 1917 June 30 / H.W. Grunewald [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 31 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agents Grunewald and Pignuolo report that they attended Goldman and Berkman's trial on June 29, 1917.

Form No. 1

REPORT MADE BY: <b>H. W. Grunewald</b>	PLACE WHERE MADE: <b>New York City</b>	DATE WHEN MADE: <b>June 30-17</b>	OFFENSES FOR WHICH MADE: <b>June 29</b>
TITLE OF CASE AND OFFENSE CHARGED ON NATURE OF MATTER UNDER INVESTIGATION: <b>U. S. VS. ALEXANDER BERKMAN AND EMMA GOLDMAN German Activities.</b>			WAR COLLECT DIV <b>10110-43</b>
STATEMENT OF OPERATION, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  <p>This A.M. in company of Agent <u>Pignuolo</u> proceeded to Room 433 Post Office Building and attended the trial of the above named <u>Alexander Berkman</u> and <u>Emma Goldman</u>.</p>			
<div style="text-align: center;">  </div>			
COPY OF THIS REPORT FURNISHED TO:  -2-			

324



# The Emma Goldman Papers

[Agent Report In re:] U.S. vs Emma Goldman and Alexander Berkman — Anti-Conscription Matter, New York, 1917 June 30 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker lists the subpoenas he served in Goldman and Berkman's anti-conscription trial.

Notes: For copy, see 870810005.

REPORT MADE BY: <b>J.G. Tucker</b>	PLACE WHERE MADE: <b>New York, N.Y.</b>	DATE WHEN MADE: <b>June 30-1917</b>	PERIOD FOR WHICH MADE: <b>June 25-</b>
TITLE OF CASE AND OFFENSE CHARGED OR MATTER UNDER INVESTIGATION:  <b>U.S. vs Emma Goldman and Alexander Berkman Anti-Conscription Matter.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  Having been assigned by Division Supt Offley remain with Assistant U.S. Att'y Content until the completion of the trial of the above defendants, I was to day engaged under direction of the latter on matters connected with the case. During the day I also served duces tecum subpoenas on the following:  Lincoln Jones, Att'y for New York Telephone Company, 15 Dey St. V.P. Wyatt, Home Insurance Company, #56 Cedar St. G.W. Burnham, Earnest & Company, #11 East 125th Street. John Fedor, # 217 Broadway.			
COPY OF THIS REPORT FURNISHED TO:  <b>New York Office.</b>			
p 2.			

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs Emma Goldman and Alexander Berkman—Anti-Conscription Matter, New York, 1917 June 30 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 32 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Tucker lists the subpoenas he served in Goldman and Berkman's anti-conscription trial.

Notes: Broken type. Copy of 880603057.

J.G. Tucker

New York, N.Y.

June 30-1917 June 25-

U.S. vs Emma Goldman and Alexander Berkman  
Anti-Conscription Matter.

10110-154

4

WAR DEPARTMENT

Having been assigned by Division Supt Offley remain with assistant U.S. Att'y Content until the completion of the trial of the above defendants, I was to day engaged under direction of the latter on matters connected with the case. During the day I also served duces tecum subpoenas on the following:

Lincoln Jones, Att'y for New York Telephone Company, 15 Dey St.

V.P. Wyatt, Home Insurance Company, #56 Cedar St.

G.W. Burnham, Barnet & Company, #11 East 125th Street.

John Fedor, # 217 Broadway.

New York Office.

p 2.

# The Emma Goldman Papers

[Agent Report In re:] U.S. vs Emma Goldman and Alexander Berkman—Anti-Conscription Matter, New York, 1917 June 30 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker serves subpoenas in connection with Goldman and Berkman's anti-conscription trial.

REPORT MADE BY: <b>J.G. Tucker</b>	PLACE WHERE MADE: <b>New York, N.Y.</b>	DATE: <b>June 30, 1917</b>	PERIOD FOR WHICH MADE: <b>June 26</b>
TITLE OF CASE AND OFFICE CHARGES OR NAME OF MATTER UNDER INVESTIGATION: <b>U.S. vs Emma Goldman and Alexander Berkman, Anti-conscription Matter.</b>			
<p>15446</p> <p>RECEIVED JUN 30 1917 BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE</p>			
<p>REMARKS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.</p> <p>engaged during the entire day under direction of assistant U.S. Att'y Content on above matter. Called at N.Y. Telephone Company and served subpoena on A.J. Doyle. Also called at #209 West 53rd Street for the purpose of serving dices tecum subpoena on D.J. Zimmerman, a letter from whom, acknowledging receipt of a copy of the June issue of Mother Earth had been found among letters secured at office of the above defendants at time of their arrest. Zimmerman, however, denied having received the copy referred to and stated that he had intended to say in his letter that he had received a copy of the "Blast". Communicated by telephone with Mr Content and was instructed not to make service of the subpoena. I was also engaged at the Mail of Records looking up title to property at 221-3 West 53rd Street and #224 West 54 th Street which had been offered as security for Alexander Berkman but on my return to Mr Content was informed by him that Berkman had secured cash bail in the meantime.</p>			
COPY OF THIS REPORT FURNISHED TO:		New York Office.	
		p 2.	

## The Emma Goldman Papers

[Agent Report In re:] U.S. vs Emma Goldman, Alexander Berkman — Anti-Conscription Matter, New York, 1917 June 30 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 32 x 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 165.*

**Summary:** Agent Tucker reports that he assisted Attorney Content at Goldman and Berkman's trial.

**Notes:** Broken type.

J.G. Tucker

New York, N.Y.

June 30-1917

June 27-

U.S. vs Emma Goldman and Alexander Berkman  
Anti-Conscription Matter.

Was engaged during the entire day under direction of Mr Content  
in court where selection of jurors for trial was in progress, also  
in arranging exhibits.

New York Office.



# The Emma Goldman Papers

[Letter] 1917 June 30, Washington [D.C. to] Bureau of Investigation, Department of Justice, [Washington, D.C.] / W[illiam] H. Lamar, Solicitor, Post Office Department. — 1 p.; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Lamar sends the Bureau of Investigation the June 1917 issue of *Mother Earth*, deemed unmailable under the new Espionage Act.

Notes: Dark copy; barely legible.

A - 46647 - C.

Post Office Department  
OFFICE OF THE SOLICITOR

Washington June 30, 1917.

Department of Justice,

Bureau of Investigation.

I enclose herewith a copy of the June, 1917, issue of "*Mother Earth*". The postmaster at New York has been instructed to regard this issue as non mailable under the provisions of the Act of Congress approved June 15, 1917.

Enc.

W. H. Lamar  
Solicitor.

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# The Emma Goldman Papers

[Letter] 1917 June 30, Washington [D.C. to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / A.M. Dockery, Third Assistant Postmaster General, Post Office Department. — 1 p. ; 25 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** Dockery sends Lamar copies of the first six issues of *Mother Earth* for 1917 for his opinion as to mailability.

**Notes:** For reply, see 810128126 and 870602020.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

DIVISION OF CLASSIFICATION

46647

Post Office Department

THIRD ASSISTANT POSTMASTER GENERAL

Washington

June 30, 1917.

IN YOUR REPLY REFER TO

C. D. No.  
140504

Solicitor,

For the Post Office Department.

Inclosed for your consideration are copies of the issues of "Mother Earth" for January, February, March, April, May, and June, 1917, and I will thank you to advise me whether the publication, judged by these copies, is unmailable under the provisions of section 481 $\frac{1}{2}$ , P.L. and R.

Please return the inclosures with your reply.

*A.M. Dockery*  
Third Assistant

Inc.  
SAM-jm

*Amarchist*

330

# The Emma Goldman Papers

[Letter] 1917 June 30, New York [to] Harry Weinberger, New York / T[homas] G. Patten, Postmaster [Post Office Department]. — 1 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Patten assures Weinberger that the postal carriers are delivering Goldman's mail as usual.

Notes: Reply to 850712394. For Weinberger's reply, see 850712396.

THE ADDRESSES OF ALL CORRESPONDENCE  
INTENDED FOR RESIDENTS IN NEW YORK SHOULD  
INCLUDE THE STREET AND NUMBER, AND, IF FOR A  
BOX HOLDER, THE NUMBER OF THE BOX, OR THE  
WORDS "P. O. BOX" OR "BOX DELIVERY."

THIRD DIVISION, CITY DELIVERY

1-HWM

United States Post Office

NEW YORK, N. Y.

FIRST CLASS

June 30, 1917.

*Est*

Harry Weinberger, Esq.,  
261 Broadway,  
New York, N. Y.

Dear Sir:

Your letters of June 28, re, mail for Mother Earth Publishing Company, Miss Emma Goldman, The Blast and Alexander Berkman, 20 East 125th street, are at hand, contents noted.

In reply you are informed that no instructions have been given by the undersigned to withhold from delivery mail addressed as above stated. Carriers report that delivery is made in box in hallway of above address as usual.

Very respectfully,

T. G. PATTEN  
Postmaster.

Per

Asst. P. M.

# The Emma Goldman Papers

[Letter] 1917 June 30, Washington [D.C. to] A.J. Balfour [Foreign Secretary], London  
[draft] / C[ecil] S[pring-]R[ice], British Ambassador to United States].—  
1 p.; 34 x 20 cm.

Permission to reproduce or quote in any form must be obtained from the Public Record Office, Surrey, England.

Summary: The British ambassador to the United States sends the British foreign secretary copies of letters from the Indian nationalist, Har Dayal, to Berkman.

Notes: Handwritten corrections by Spring Rice. For letters mentioned, see 880603001 and 880603003. For related documents, see 870714027 and 870714028.

FO 115/2235

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(59)

HINDU AGITATORS.

138

288

Draft

F.O. No 356

Washington,

June 30th, 1917.

Sir,

I have the honour to trs. herewith photo-  
stat copies of ~~the~~ letters addressed by Har  
Dayal in Holland to Alexander Berkman in New  
York and found on the latter on his arrest re-  
cently in connection with agitation against  
the U.S. Registration Act.

Berkman professes anarchistic principles  
and is a leader of the I.W.W.; he <sup>has</sup> served a  
long sentence in gaol for murder, and now edits,  
with Emma Goldman, another I.W.W. leader, who  
~~with him~~ <sup>also</sup> is awaiting trial, an anarchistic  
publication called "Mother Earth".

The copies of these letters were communi-  
cated to me by the Dept of State; it will be  
noted that they are dated October 1915.

To Mr. Hon. A. J. Balfour  
etc. etc. etc.

C.S.R.

388 Rec/17

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## The Emma Goldman Papers

[Letter] 1917 June 30, New York [to] Julius M. Mayer, Judge, United States District Court, New York / Thomas A. Weston. — 3 p.; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional

Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Having attended one day of Goldman and Berkman's trial, Weston writes to Judge Mayer to protest their unfair treatment. He reminds Mayer of American traditions of anarchism and wonders why others who oppose conscription are not so persecuted.

Notes: Broken type.

Letter to Judge Julius M. Mayer, U. S.

District Court. Copy sent to Harry Weinberger, Esq.

Attorney for Emma Goldman and Alexander Berkman.

New York, June 30, 1917.

Hon. Julius M. Mayer,  
New York.

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Dear Sir:-

This is not one of those alleged letters threatening any one's life. It could not have been written at all, if it were not for the fact that your physiognomy and behavior had impressed me so splendidly while in court the other day listening to the examination of the salesmen by Miss Goldman and Mr. Berkman.

The fact that you placed these offenders under twenty-five thousand dollars bail each and that you and Mr. Content refused to accept the best possible real estate in the City of New York as their bail prejudiced me and thousands of other impartial men and women against you, the District Attorney and the entire machinery of Federal Justice.

When in the history of jurisprudence has it ever happened to place persons accused of such a minor offense as that of speaking against a particular, and, as many of the best thinkers of this Republic, ever, an unconstitutional law, under such heavy bonds.

There is nothing more precious to the average American mind than fair play. No intelligent person will consider that trial fair play, unless one thinks that everything is permissible when committed upon those who call themselves anarchists.

Please remember that Thoreau, Emerson, Nietzsche, Tolstoy, Herbert Spencer, Godwin, Proudhon and Ibsen were anarchists and that Prince Peter Kropotkin, the father of modern scientific anarchism, is known the world over as one of the clearest thinkers of the age.

Would you believe it, Sir, if I were to tell you that the whole proceeding against the her sies of Goldman and Berkman, strongly remind me of the Spanish Inquisition when the Jews were tortured to death and burned on the auto da fe for refusing to believe in the holy ghost or of the burnings of witches in the eighteenth century? I had the good fortune of hearing the historical orations for peace and against the law of conscription at Washington and New York by such brilliant minds as those of Prof. David A. Jordan, Rabbi Judah L. Magnes, Prof. Scott Searing, Morris Hillquit and many others from all over the country. They all spoke more radically than any anarchist ever spoke. Why are not they brought before the bar of justice? Why is not Tom Watson, whose fiery protests against conscription are actually sweeping the people of Georgia off their feet, - why are they not all clapped into jail for their rebellious utterances? Is it because they are powerful, wealthy or influential? Where then is fair play, your boastful "equality before the law?"

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## The Emma Goldman Papers

[Letter] 1917 June 30, New York [to] Julius M. Mayer, Judge, United States District Court, New York / Thomas A. Weston. — 3 p. ; 34 x 22 cm.

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Summary: Having attended one day of Goldman and Berkman's trial, Weston writes to Judge Mayer to protest their unfair treatment. He reminds Mayer of American traditions of anarchism and wonders why others who oppose conscription are not so persecuted.  
Notes: Broken type.

As a representative of a metropolitan newspaper I was present at once of the Goldman-Berkman anti-militarism meetings. Their self control puzzled me. Their calm and deliberate actions disappointed me. Where I expected sensational language and vehement denunciation of the Government, I heard peaceful talk about peace and harmony, philosophy instead of incitement to riot and rebellion.

Thirty years ago Judge Gary and District Attorney Crissell of Chicago condemned eight men to death, five of whom suffered martyrdom on the gallows. Their infamous names have long since sunk into oblivion whilst the name of John P. Altgeld, the noble jurist who pardoned the three remaining anarchists pining away their lives at the Joliet prison, — Altgeld, the staunch Jeffersonian and the greatest leader the Democratic party ever produced, will go down into history and fame, together with the Garrisons, Phillipses and Lovejoys.

Some folks, however, prefer to swim with the current and live the the hour as time servers and flunkys of mediocrity. The Journal and the Times are their highest standards of life and idealism. Have there ceased to be men with souls, men with purity of mind and loftiness of purpose? Oh, for real men in these ~~xxx~~ epoch-making times!

I understand that you are a Hebrew which means that you come of the same race as did Jesus Christ. Now, Christ was crucified by Pilatus and the powers that be" of those days for no other crime than that of being a non-conformist, a dissenter, a man with ideas and ideals different from those that prevailed among the Jewish rabbis and the Roman Law-makers. He was the anarchist of those days, a communist, a revolutionist. His disciples were torn by the savage bulls in the arenas of Rome.

Only a few short months ago women like Emma Goldman and men like Alexander Berkman would have been hanged by the Russian Czar were they to preach nonconformism with the cruel laws of the Russian tyranny. But today they would be received with open arms by the socialists and anarchists with which the entire Russian intellectuality replete. The hundred thousand nihilists who were ending their lives in the prisons of Russia and the mines of Siberia have been ~~literally xxxxxxxxx the streets of Moscow~~ called back by the present Russian Government and have been literally carried in the streets of Moscow and Petrograd in the arms of the happy people for whose liberation they suffered martyrdom.

Today Russia refuses to recognize such a thing as a political crime. They have no constitution guaranteeing them free speech and free assemblage, but they do enjoy these rights completely and fully.

Sir, the time is fast coming when our country will hide its face in shame for throwing idealists into jails on the charge of nonconformity with militarism and conscription.

Why, the most intellectual and most patriotic men and women of this Republic are against the forcible shipping of millions of our youth to be slaughtered on the battlefields of Europe. England has millions of trained men in reserve. Why bleed our nation when we are three thousand miles away from conflagration? Is it not enough that we give them our food, our munitions of war, our ships and our billions of dollars?



## The Emma Goldman Papers

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Summary: Having attended one day of Goldman and Berkman's trial, Weston writes to Judge Mayer to protest their unfair treatment. He reminds Mayer of American traditions of anarchism and wonders why others who oppose conscription are not so persecuted.

Notes: Broken type.

It seems that Russia won her freedom when we in the United States lost it. Why not bring before the bar of Justice Congressman Mason, who only recently raised his mighty voice in the House of Congress against conscription? If the people of these United States really thought this war of ours a war of defense no force would ever have been necessary to enroll them under the colors. They would have volunteered by the million.

"Alas, America, the one haven of refuge for the oppressed and the suffering of all the world. America that might have acted as a harbinger of peace bringing healing to the afflicted nations, is now bloody with war. On January 22, 1917, our President was still pursuing the method of negotiation, of neutrality and of moral force. Alas, that the suspense could no longer be borne, that the moral and intellectual strain grew too heavy, that patience was exhausted and the plunge was taken into the abyss of war and death and brute physical force. But the fact that we are at war cannot make us abhor war the less. The fact that we are at war makes us the more determined to loathe it, to want to make America and all the world to loathe it. In the face of death we stand ready to exalt life. With destruction before us we express our passionate devotion to the constructive processes of religion, literature, science and art. With suppression threatening us we speak up for liberty, for freedom, for democracy."

I hope you will pardon me for this lengthy epistle, but I could not forego the above notation from the opening address of Dr. J. L. Magnes delivered at the Madison Square Garden on May 31st. Do you not think that he is right, do you not agree with the secretary of the Navy who said that "the spirit of the Administration is that comment and criticism is the very life of democracy" and with the President when he spoke about the privilege of men everywhere to choose their way of life and of obedience.

Respectfully yours,

Thomas A. Weston.

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## The Emma Goldman Papers

871217000

Trial and Speeches of Alexander Berkman and Emma Goldman In the United States District Court, in the City of New York, July, 1917 / [Emma Goldman, *et al.*]. — New York : Mother Earth Pub. Ass'n. — 97 p. ; 28 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the University of Michigan, Harlan Hatcher Graduate Library. Institutional Location: Labadie Collection, W.S. Van Valkenburgh Papers, Department of Rare Books and Special Collections.

Summary: The Mother Earth Publishing Association's pamphlet includes opening statements of Berkman and Harold Contant, closing statements of Goldman and Berkman, excerpts from Judge Mayer's jury instructions, Leonard Abbott's description of the trial, and excerpts from Goldman and Berkman's writings.

Notes: For copy submitted at Goldman's deportation hearing, see 830214165.

LABADIE  
COLLECTION

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B5

# TRIAL AND SPEECHES

OF

Alexander Berkman

and

Emma Goldman

In the United States District Court, in  
the City of New York,  
July, 1917

With Portraits

THE CLARION  
BOOK SHOP

204 N. CLARK STREET

FOR SALE AT THE

MOTHER EARTH PUBLISHING ASSOCIATION

226 Lafayette Street, New York, N. Y.

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# ANARCHISM ON TRIAL



Speeches of ALEXANDER BERKMAN and  
EMMA GOLDMAN before the United  
States District Court in the City  
of New York, July, 1917

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## The Emma Goldman Papers

Trial and Speeches of Alexander Berkman and Emma Goldman In the United States District Court, in the City of New York, July, 1917 / [Emma Goldman, *et al.*]. — New York : Mother Earth Pub. Ass'n. — 97 p. ; 28 x 22 cm.

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Note: For copy submitted at Goldman's deportation hearing, see 830214165.

Labadie  
Collection

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### A TRIBUTE

Emma Goldman and Alexander Berkman  
Are in prison,  
Although the night is tremblingly beautiful  
And the sound of water climbs down the rocks  
And the breath of the night air moves through multitudes and  
multitudes of leaves  
That love to waste themselves for the sake of the summer.

Emma Goldman and Alexander Berkman  
Are in prison tonight,  
But they have made themselves elemental forces,  
Like the water that climbs down the rocks:  
Like the wind in the leaves:  
Like the gentle night that holds us:  
They are working on our destinies:  
They are forging the love of the nations:

.....  
Tonight they lie in prison.

JOSEPHINE BELL  
(From *The Masses*, Aug., 1917)

## The Emma Goldman Papers

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**Notes:** For copy submitted at Goldman's deportation hearing, see 830214165.

725187 01

Tell all friends that we will not waver, that we will not compromise, and that if the worst comes, we shall go to prison in the proud consciousness that we have remained faithful to the spirit of internationalism and to the solidarity of all the people of the world.

EMMA GOLDMAN

## The Emma Goldman Papers

Trial and Speeches of Alexander Berkman and Emma Goldman In the United States District Court, in the City of New York, July, 1917 / [Emma Goldman, *et al.*]. — New York : Mother Earth Pub. Ass'n. — 97 p. ; 28 × 22 cm.

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Notes: For copy submitted at Goldman's deportation hearing, see 830214165.

Justice walks with leaden feet and has lost her way and cannot find many of the court-rooms of America.

Ideals cannot be killed by imprisoning idealists. You cannot stop ideas as long as one brain continues to function. Governments, Churches, Judges, and Jailors have tried it as far back as the memory or records of men go. But never have they been able fully to subdue the spirit of man. Ideas are contagious, and crushed to earth, spread over it.

Liberty is never a gift. It is always a purchase, and the price is blood and tears, happiness and the personal liberty of the individual purchaser. Liberty has always been the great temptation for idealists.

We are all walking in the shadow of war. Most of us, however, have our eyes on the stars of peace and liberty, and because a few are articulate, expressing our hopes and desires, Judges are sending them to the penitentiary, to the workhouse, fining them, taking their property, and even ordering them deported to Russia, the new home of democracy. If Christ gave out "The Sermon on the Mount," he would go to the workhouse for six months.

Are some of our courts the new Bastiles, with petty Judges as the wardens? Judges with the dust of dead laws and dead theories in their eyes and mouths and brains are stamping out free speech, are trying to shackle the brave spirits of those who see that the faults of liberty can only be cured by more liberty.

HARRY WEINBERGER



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## IMPRESSIONS OF THE TRIAL

Oppression has dragged revolt before the tribunal of the Grand Inquisition. Dead words of the Law lay ready as instruments of torture. The District Attorney acted as accuser for the offended divinity. In the box sat the jurors, men with set faces, steadfast worshippers of the dogma. Soldiers and detectives formed nine-tenths of the audience; only a few friends of the accused had been fortunate enough to gain admission to the court.

On his ~~elevation~~ beneath the purple canopy—stretched by another generation—in his solemn high-backed chair behind the huge table laden with law books sat the Judge, the almighty of the hour.

It was the afternoon of the seventh of July, in the Federal court-room situated on the fourth floor of the old Post-office Building in New York.

City Hall Square below was crowded with thousands of people who had assembled to witness the spectacle of the City fathers welcoming the Russian Commission on the steps of the City Hall, just across the square. The Russian tricolor in close embrace with the Stars and Stripes flew from buildings and flagpoles. It was a sunshiny, jubilant afternoon, the Friday which the people of New York had chosen to show their love for the new Russian democracy and to try Emma Goldman and Alexander Berkman for conspiracy.

From the windows of the court-room we could see the festive procession, the waving of flags, the enthusiastic faces that hailed the dawn of a new era, we could hear the music of the band playing that grandest of all songs of liberty, "The Marseillaise," and the cheering of the crowds, who, in the bottom of their hearts, believe in freedom. But the people of New York could not look into the court-room on the fourth floor of the Post-office Building and could not hear the cry of strangled Liberty, nor the strains of the dreadful litany that tells of prison and punishment and death.

The air was heavy, the audience quiet and subdued, the soldiers in their uniforms among the spectators watchful and defiant. The court attendants in their blue uniforms and shining badges used both gestures and looks to intimidate the awed spectators. Officers were posted at the doors to refuse admission to the people of New York who tried to get in.

I sat there at the press table amidst the representatives of our daily papers. Some were older men who followed the proceedings with the mellow superiority of experience. Young reporters were busy making notes, which would never be published.

## The Emma Goldman Papers

871217000

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And there, opposite me, sat Alexander Berkman. . . strong, fighting face; decision and action written all over him. Around his mouth plays the tired smile of the fighter who knows what it means to meet stupidity face to face. His hands are clenched, he is armed against attacks and lies, against rudeness and against injustice. He has come to fight. He does not know how to compromise. He does not know how to bow politely to the court, how to invoke in flowery language the attention of the District Attorney or how to arouse the sympathetic interest of his peers—the jurymen. The principles for which he is fighting, which brought about his indictment, are now his only weapons and his only shield. He is a non-conformist who believes in liberty and in freedom uncurtailed in any way.

My memory goes back a few years. I see the very same man surrounded by little children, laughing and merry-making with them. I see him amidst the pupils of the Ferrer School, telling them fairy-tales and admonishing them always to remain brothers and sisters after they have left school and grown up to be adults. . .

There is Emma Goldman, sitting behind him. I don't see hatred in her eyes but determination; to do to the last minute what she thinks so important for the happiness of future generations. She is reading some report introduced as evidence by the District Attorney. There is a grave seriousness on her features and that wonderful, final resolve that has ever—since time began—caused men to be crucified, to be burned alive, hung, drawn and quartered; the resolve and purpose which have brought to humanity all the good things it possesses.

There is the jury! Twelve men representing the people of New York; the peers of the defendants! I look at their faces: some are old men, some are middle-aged, some are bald-headed and some have gray, black or blonde hair. Some have mustaches and others have not. Some have pepper-and-salt colored suits, others wear suits of brown, black or light-gray. Sometimes they look at the defendants. When they do, it is not for long. It is the casual look at something repulsive, at something that one might be curious enough to look at though one knows that it is bad because it is so different from what newspapers print and politicians praise.

These representatives of the people of New York let their eyes rest with an expression of content upon the District Attorney, that Archangel who guards the gates of their Paradise. Some of the jurors dare, now and then, to glance shyly up at the judge's throne beneath the purple canopy.

His Honor seems uncomfortable in the clear rays of the sun which pour in through the shining window panes onto his

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face. He must face the sun because his duty compels him also to face the jury and the defendants. He is seated and only his head can be seen above the table, his head on his broad shoulders. A thick, sensitive upper lip, between nose and forehead an angle of about 160 degrees, a small chin, big jaws, his eyes hard, not by experience but by purpose. He seems to me to be a man who would really go and do what you bade him do or what he thought was expected of him.

Now he rises. The black toga of his office seems too heavy upon his shoulders and he throws it back with a tired gesture. Or does he feel too warm? His arms are very short and he is a little man.

I try to read his face. I am very near him. I search for something in his eyes. Nothing is written upon his face, nothing in his eyes.

The witnesses! Everybody in the court-room knows that the District Attorney must prove what the witnesses have to answer, what the jurymen must decide in their minds, what the Judge will pronounce as sentence. . . a dreadful monotony—an iron ring presses tighter and tighter around our heads.

The District Attorney is reading part of a speech delivered by Emma Goldman to the effect that the people themselves should be called upon to decide whether there should be war or not: the same thing one reads in the *New York American* editorials. A witness is swearing that he has heard her utter such sentences. And, like mockery, from across the Square come the sounds of "The Marseillaise," played in honor of the Russian rebels, guests of the people of New York.

And now! "The Star Spangled Banner." Life comes into the Judge. He rises. He gesticulates wildly with his short arms: "Everybody must rise in the room," he shouts, with a voice which seems unused to give command. The soldiers poke their neighbors, court attendants run about the room pushing men and women into patriotic attention. Some persons refuse to get up. The Judge excitedly issues orders. The objectors are dragged out. Everyone who wears a badge seems eager now to earn his livelihood by bullying people into patriotic attention. . . . All is over. The jurors again sit down indolently in their seats, the witness continues his narration.

Hopeless monotony again! The English anthem is being played outside on the Square, but the Judge does not command us to stand up. We are allowed to remain seated. . .

• • •

The hall is filled with men and women, well-dressed and well-to-do people, as well as laborers and factory girls. They were not admitted to the court-room and have waited patiently

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for a chance to see the two people who were sacrificing their liberty and their comfort to secure the joys of life for others.

Below in the Square a procession had formed to take the Russian Commission with flying red banners of the Russian Revolution through the streets of our city and to show the people of New York that democracy is triumphant . . . in Russia.

Monday. Again I sit in my chair and listen to Alexander Berkman, who tries in simple but eloquent words to tell the jurymen what it means to be an anarchist. . . . He paints with vivid colors the beauties of a free democracy without oppressors, without poverty, with beauty and content for everybody. He shows conclusively that the District Attorney had failed to prove him "to be the head of a country-wide conspiracy to resist conscription." He shows that speeches by Miss Goldman and by himself had been delivered on several occasions and that the District Attorney used in his evidence only the one speech where there had been no stenographer present to take it down for Miss Goldman. He points out that the stenographic report offered as evidence is the work of a policeman who has never reported a speech before and who has failed in a test in this very court.

He finished and the jurymen look with set faces at the District Attorney, with the faces of men who care only for the dogma.

Emma Goldman speaks in her defense.

Her speech goes to the heart of everyone in the courtroom, even of those whose hearts are made sound-proof and who would never permit other gods to take the place of their own gods.

She speaks of the twenty-seven years of her rebellion against existing conditions.

She states her unshakeable principles of independence and of liberty.

Her speech is one of the important documents of our century. It will live as the great plea of our time for liberation from ancient customs and institutions.

The jury goes out and the jury comes in. "Guilty."

The Judge gives the heaviest punishment he can; these are the worst offenders possible.

The government takes possession of the prisoners at once.

The Judge refuses to grant them time to attend to their personal affairs, to take counsel with each other, and a few hours after the sentence had been pronounced, they are on



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Emma Goldman to sew women's garments in the prison of Jefferson City, Mo., and Alexander Berkman to do some sort of menial work in the Federal prison at Atlanta, Ga.

Freedom is a great vision. It appears upon the horizon of each of us. Some fear even to look in its direction. It dazzles their eyes.

Some retain the shallow name and use it as a bait to fill their coffers or satisfy political ambition; others cherish it in their hearts.

They are hung or sent to prison.

GUIDO BRUNO in *Pearson's Magazine*

## The Emma Goldman Papers

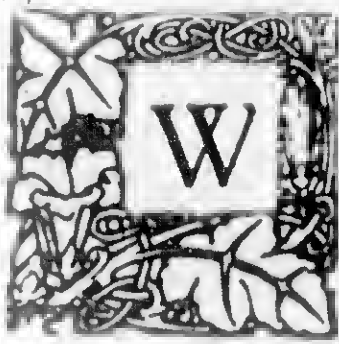
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## The Trial and Conviction of Emma Goldman and Alexander Berkman



WHEN Emma Goldman and Alexander Berkman, charged with conspiracy to defeat military registration under the conscription law, were sentenced by Judge Julius M. Mayer, on July 9, 1917, to serve two years in prison, to pay fines of \$10,000 each, and to be probably deported to Russia at the expiration of their prison terms, United States Marshal McCarthy said: "This marks the beginning of the end of Anarchism in New York." But Mr. McCarthy is mistaken. The end of Anarchism will only be in sight when Liberty itself is dead or dying, and Liberty, as Walt Whitman wrote in one of his greatest poems, is not the first to go, nor the second or third to go,—"it waits for all the rest to go, it is the last."

*When there are no more memories of heroes and martyrs,  
And when all life and all the souls of men and women are discharged  
from any part of the earth,  
Then only shall liberty or the idea of liberty be discharged  
from that part of the earth,  
And the infidel come into full possession.*

### THE ARREST

Emma Goldman and Alexander Berkman were arrested on June 15, at 20 East 125th Street, New York. At the time of the arrival of the Marshal and of his minions, late in the afternoon, Miss Goldman was in the room which served as the office of the No-Conscription League and of MOTHER EARTH. Berkman was upstairs in the office of THE BLAST. A number of helpers were in the building at the time, including M. Eleanor Fitzgerald, Carl Newlander, Walter Merchant and W. P. Bales. Mr. Bales, a young man, was arrested without a warrant. The raiding party included, besides Marshal McCarthy, Assistant United States District Attorney E. M. Stanton, Lieutenant Barnitz, of the so-called "Bomb Squad," Deputy Marshals Doran, Hearne and Meade, and Detectives Murphy and Kiely, of the Police Department.

"I have a warrant for your arrest," Marshal McCarthy said to Emma Goldman.

"I am not surprised, yet I would like to know what the warrant is based on," Emma Goldman replied.

Marshal McCarthy answered by producing a copy of

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MOTHER EARTH containing an article on the No-Conscription League signed "Emma Goldman."

"Did you write that?" asked the Marshal.

Miss Goldman replied that she had written the article, and in answer to another question said she stood for everything in MOTHER EARTH, because, she added, she was the sole owner of the publication.

A few minutes later, the officers mounted the stairs and arrested Alexander Berkman.

In the meantime, policemen were busy searching both offices. They found books and pamphlets written by Kropotkin, Malatesta, Voltairine de Cleyre, Max Stirner, Frank Harris, C. E. S. Wood, Charles T. Sprading, Gorky, Andreyev, Strindberg, William Morris, George Bernard Shaw, and many other writers. They seized everything they could lay their hands on, including a card index, bank and check books, and thousands of copies of MOTHER EARTH and THE BLAST, held up by the Post Office. THE BLAST, which was solemnly pronounced by the newspapers "one of the vilest things ever sent through the United States mails," contained, in addition to Berkman's writings, quotations from Victor Hugo and Edward Carpenter, and articles written by Leonard Abbott and Robert Minor.

After the police had rifled the contents of both offices, the three prisoners were taken down to the street and rushed in automobiles to the Federal Building. They were joined by their attorney, Harry Weinberger. There was no opportunity for arraignment that evening, and the prisoners were locked up in The Tombs.

### THE ARRAIGNMENT

On the morning of June 16, Emma Goldman and Alexander Berkman were brought before United States Commissioner Hitchcock. Assistant United States District Attorney Harold A. Content appeared as prosecutor. "These two Anarchists," he said, "are the leading spirits in this country in a countrywide conspiracy to spread anti-registration propaganda." Mr. Weinberger, attorney for the defendants, made a motion for dismissal on the ground that advising anybody not to register is not a violation of law. "Failing to register, no doubt, is a crime," said Weinberger, "but telling people not to do so is certainly not a violation of the law." The Commissioner is old and gray; he looked like a relic of the Dark Ages. He held the prisoners in \$25,000 bail each. Weinberger protested against the bail as excessive, but was not able to change the decision. Later, when Weinberger and Leonard Abbott approached Marshal McCarthy and when Abbott protested against the holding of the young man Bales without warrant or charge, the Marshal became violently abu-

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sive and ordered the ejection of Abbott from the Federal Building.

### THE GRAND JURY INDICTS

The prisoners were held in the Tombs practically incommunicado; it was only with the greatest difficulty that they were able to communicate with any of their friends. Gross unfairness was shown in the matter of the bail. When more than enough property was offered to cover the necessary sum, it was refused by Attorney Content on the ground of petty technicalities. Many friends offered money. By June 21, Emma Goldman was free. Four days later, Berkman was released. In the meantime, the Federal Grand Jury had framed a formal indictment.

### OPENING OF THE TRIAL

The trial began before Judge Mayer on June 27. Judge Mayer is a German, and he has the Prussian type of face. It occurred to more than one spectator that the defendants, charged with the "crime" of fighting Prussianism in America, were being tried before a Prussian judge. They announced, at the outset, that they had decided to conduct their own cases. They made it clear that this decision was not in any way to be construed as a reflection upon their lawyer. Mr. Weinberger, indeed, had consecrated himself to this case with conspicuous idealism, and was still giving advice and suggestions. But they had decided that, as Anarchists, it would be more consistent to go into court without a lawyer.

The defendants asked for a postponement on the ground that they had so recently been released from prison that they had had no opportunity to summon witnesses and to familiarize themselves with their case. They also asked for a postponement on the ground of Berkman's physical condition. He had sprained his leg, prior to his arrest, and appeared in court on crutches. Both of these requests were denied by the Judge. He insisted upon an immediate trial. Emma Goldman and Berkman were at first so incensed by the injustice of this decision that they declined to take part in the proceedings. The trial, as Emma Goldman put it, was a farce. Later, however, the defendants consented to examine the talesmen.

For three days the examination proceeded. It is certain that never before in a court of "justice" had there been such a questioning of talesmen, and it is to be hoped that some of those who listened, or answered, learned something about real justice and social ideals. Alexander Berkman, who took the lead in the questioning, created an atmosphere that was libertarian and anti-militarist. Among the questions asked were:

"Do you believe in free speech?"

"Do you believe in the right to criticize laws?"



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"Do you believe that the majority in a community is necessarily right?"

"Would you be biased against the defendants because they had been active in the labor movement?"

"Would you be biased because they had fought conscription?"

"Do you feel that you would be unable to render a just verdict because the defendants are anti-militarists, or Anarchists?"

"Do you know what Socialism and Anarchism mean?"

"Have you read any Socialist or Anarchist books?"

"Have you attended any Socialist or Anarchist meetings?"

Incidentally, Emma Goldman and Berkman managed to convey a great deal of information bearing on the libertarian struggle in many countries. Robert Emmet was mentioned, and George Washington. The birth control movement came in for discussion.

The court-room was packed with friends of the prosecution, but many friends of the defendants were excluded. Some were roughly handled. June 27, it happened, was Emma Goldman's birthday, and, during the lunch hour, some comrades presented her with a bouquet of red roses.

On June 29, just as the jury was selected, a number of telegrams were received by the defendants from their friends, among them the following from Charles Erskine Scott Wood, of Portland, Oregon. Mr. Wood is a Single-Taxer, poet and art connoisseur, and was at one time colonel in the United States army.

"I have wired the judge and attorney general and prosecuting attorney, and please say to Emma I can be quoted as believing with her that conscription utterly belies democracy, and punishment for criticising the government marks an autocracy in spirit, no matter what the form. Thousands here share this view."

### THE CASE OF THE PROSECUTION

On Monday morning, July 2, Prosecutor Content opened his case. He said he would show that the two defendants, whom he characterized as "disturbers of law and order," had both tried in their writings and in their public addresses to influence the ignorant amongst the men of military age not to register. The first witness that he put on the stand was Miss Fitzgerald. He questioned her regarding the No-Conscription League and the "profits" of THE BLAST. She answered him that she and her colleagues had worked for the sake of principle and not for profits. Mr. Content went to the trouble of presenting newspaper reporters, printers, binders, etc., to testify as to the contents, printing and binding of MOTHER

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EARTH, THE BLAST and No-Conscription literature; but all this, as the defendants pointed out, was superfluous. They admitted the authorship of the writings which were the basis of the Government's case. Berkman looked the student, the intellectual, with his black-rimmed eye-glasses. Emma Goldman was constantly on her feet, parrying unfair questions, elucidating doubtful points.

One of the witnesses that Mr. Content put on the stand was a police stenographer who testified that in her speech at Harlem River Casino on May 18, Emma Goldman used the words, "We believe in violence, and we will use violence." But Emma Goldman denied ever having used any such words, and she was able to call many witnesses who corroborated her statement. This led to lengthy discussion of the entire question of violence and of violent methods as a means of advancing Anarchist propaganda. Emma Goldman and Berkman read to the jury extracts from articles on this subject, appearing in MOTHER EARTH. The stenographer who reported the Harlem River Casino meeting was shown to be untrustworthy. Another stenographer testified, incidentally, that Emma Goldman was the best speaker he had ever heard. The proprietor of the Harlem River Casino, called by the prosecution, gave testimony favorable to the defendants. He said that the meeting of May 18 had been perfectly orderly, in spite of the fact that a group of soldiers, carrying a flag, had tried to make trouble. A Sergeant of the Coast Guard, appearing on the witness-stand in uniform, confirmed this testimony.

During the examination of several of these witnesses, a military band was playing beneath the open windows, and patriotic speeches, punctuated by applause, could be heard. In the street below, a recruiting station had been established. By a curious irony of fate, militarism and anti-militarism, each in its most dramatic phase, had been set in juxtaposition.

### BERKMAN OUTLINES THE CASE OF THE DEFENDANTS

Alexander Berkman, when he came to present to the jury the line of argument on which he proposed to build his case, said in substance: "We admit that we are opposed to militarism and to conscription. We have been carrying on an anti-militarist propaganda for twenty-five or thirty years. But we did not conspire, and we did not advise people not to register. The No-Conscription League refused to commit itself to a policy of definitely advising young men not to register. We decided to leave the matter to the conscience of each individual." All this was substantiated by the testimony of a conscientious objector who declared that he had gone to the office of the League for definite counsel and had been unable to get such counsel. It was further confirmed by a letter of Emma Goldman, referred to by Miss Fitzgerald. In

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THIS letter MISS GOLDMAN... danger of arrest under the registration law, she would not advise young men not to register; she added that, as a matter of principle, she would not tell a man to do a thing or not to do a thing, "because if I would have to tell him what to do, he would have no strength of character and courage to stand by what he is doing." The position of Emma Goldman and of others connected with the League was: "Each man must decide the issue for himself. As a conscientious objector, he has to decide for himself." Anna Sloan, Helen Boardman, Rebecca Shelly and Minna Lederman all testified that they had never heard Miss Goldman urge violence or non-registration.

### THE MYSTERIOUS \$3,000

When the offices of the No-Conscription League were raided by the police, a newspaper published an account of a mysterious bank deposit of \$3,000. It was hinted that the money had come from pro-German sources. On July 5, James Hallbeck, eighty years old and a native of Sweden, testified that he had given Emma Goldman a check for \$3,000 as a contribution to her work. So the "pro-German" bubble was pricked.

### REED, STEFFENS, HALL

John Reed and Lincoln Steffens, magazine writers, testified that they had known Emma Goldman and Berkman for many years, and that they did not regard either as "violent." Bolton Hall, Single-Taxer and writer, said that he was a member of the Free Speech League. Asked by the Judge what the principles of the League are, he said:

"It believes in activities tending to promote liberty, and particularly free speech. We have long fought for free speech. We do not believe in putting any restraint on it. We hold that limiting free expression of opinion is the best way to foster insurrection. We are never afraid to listen to any expression, even if we believe it wrong, but we have decided that the individual must bear the consequences for anything he utters."

"Does that mean that you permit free speech even when it is opposed to law?" queried Judge Mayer.

"We believe the constitutional guarantee of free speech makes free speech of every kind permissible," said Hall.

"In other words, the League permits free speech though it may be contrary to existing statutes," the Judge again asked.

"I think that is free speech," Hall retorted.

Hall asserted he had always known Emma Goldman believed in educational work, and in benefiting people through educational activities. He said he had never known her to advocate violence, or to deny any principle which she preached.

### LEONARD D. ABBOTT TESTIFIES

Leonard Abbott, Chairman of the Ferrer Association and President of the Free Speech League, was sure that Emma



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Goldman had not urged violence at the Harlem River Casino meeting. He said that he had expected she would take a more extreme attitude than she did take. Questioned by Berkman, in relation to the educational work of the Ferrer Association, in which both Emma Goldman and Berkman had had a share, Abbott spoke at some length of the Children's School in Stelton, New Jersey, created as a memorial to the Spanish martyr, Francisco Ferrer.

"Does the Ferrer School teach children to disobey the laws of the country?" Mr. Abbott was asked.

"It teaches them," he replied, "to criticise all laws and to prepare themselves for a Free Society."

"When you speak of criticising laws, do you include the laws of this Government?" Judge Mayer asked the witness.

"Yes," was the reply.

"Why was Francisco Ferrer executed by the Spanish Government?" the Judge asked the witness.

"He was executed because he loved liberty and human rights," said Abbott.

"Wasn't he executed upon false testimony?" asked Miss Goldman, springing to her feet.

"Yes," was the reply.

### MARTIAL MUSIC GIVES COLOR TO THE TRIAL

Revolutionary and patriotic music clashed toward the end of the trial. At one moment the clear strains of the Marseillaise floated in through the open windows from bands accompanying the Russian Commission, which was marching past City Hall with its streaming red banners. This happened just as Miss Goldman read from her writings passages to the effect that war was only in the interests of the working class when it aimed at the overthrow of the capitalist system. When she read her "New Declaration of Independence," setting forth the right of the masses to overthrow a tyrannous and iniquitous government, the band suddenly burst forth with the "Marche Militaire," France's new song of revolution and freedom.

Twice the bands played "The Star-Spangled Banner." Everybody was ordered to rise. The first time, a young girl refused to do so, and was ejected by court attendants. The second time Stephen Kerr and another man were led from the room for refusal to stand, whereupon the Judge said: "Any man who refuses to stand will be taken from the room, and will not be permitted to come back." Emma Goldman and Alexander Berkman remained seated.

### CLOSING SCENES OF THE TRIAL

The trial occupied eight days and came to an end on Monday, July 9. Alexander Berkman spoke for two hours. Emma Goldman then spoke for something over an hour. Mr. Con-



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tent summed up for the Government in a speech not quite an hour long.

### THE VERDICT OF THE JURY

After listening to the speeches, the members of the jury filed out of the court-room. They deliberated for thirty-nine minutes. It was late in the afternoon. Judge Mayer came into the court-room at 6 o'clock. The Clerk called the roll of the jury, and then turned to Frank M. White, the foreman, and asked him if a verdict had been agreed upon. Mr. White replied that the jury had agreed.

"What is your verdict?" the Clerk asked.

"Guilty," the foreman replied, in a voice that could be heard in the corridors.

Emma Goldman was immediately on her feet.

"I move," she said, "that this verdict be set aside as absolutely contrary to the evidence."

"Denied," replied Judge Mayer.

"I then ask that sentence be deferred for a few days, and that bail be continued in the sum already fixed in our case," Miss Goldman added.

"Motion denied," said the Judge.

The clerk then took the pedigrees of the defendants. Berkman said he was born in Petrograd about forty-seven years ago, that he was single, and not a citizen of the United States. Miss Goldman said she was born in Kovno, Russia, in 1869, was single, and that she was not a citizen by application, although, she added, her father had died an American citizen.

### THE PRISONERS SENTENCED

Judge Mayer announced that he was about to impose sentence and asked the defendants if they knew of any reason why sentence should be deferred.

"I think it only fair to suspend sentence and give us a chance to clear up our affairs," Berkman said. "We have been convicted simply because we are Anarchists, and the proceeding has been very unjust." Emma Goldman also protested against the way in which they were being railroaded to prison.

Then came the sentence. Judge Mayer stood, while the defendants remained seated.

"In the conduct of this case," said Judge Mayer, "the defendants have shown remarkable ability, an ability which might have been utilized for the great benefit of this country had they seen fit to employ themselves in behalf of this country rather than against it. In this country of ours, we regard as enemies those who advocate the abolition of our Government, and those who counsel disobedience of our laws by those of minds less strong. American liberty was won by the forefathers, it was maintained by the civil war, and to-day there are the thousands who have already gone, or are getting ready

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for liberty. For such people as these, who would destroy our Government and nullify its laws, we have no place in our country. In the United States law is an imperishable thing, and in a case such as this I can but inflict the maximum sentence which is permitted by our laws."

The Judge imposed a penalty of two years in prison, with a fine of \$10,000 in each case. He instructed Mr. Content to communicate the record of the conviction to the immigration authorities for such action as those authorities might see fit to take when the prisoners had served their terms. Under a new Federal law an alien, twice convicted of a crime, may be deported by the Government to the country from whence he came.

As the Judge finished pronouncing sentence, he declared the court adjourned and started to leave the bench. Emma Goldman at once arose.

"One moment, please." Judge Mayer turned and faced her.

"Are we to be spirited away in a speedy manner? If so, we want to know now, right now," she said.

"You have ninety days in which to file an appeal," replied the Judge.

"Well, how about the next hour or so?" Miss Goldman demanded.

"The prisoners are in the custody of the United States Marshal," Judge Mayer answered, and for the second time he started to leave the room.

"One more word," Miss Goldman said, "I want to thank your Honor for refusing us the two days which are given even to the most heinous of criminals."

### RUSHED TO PRISON

The prisoners were spirited away, by midnight trains and with indecent haste. Emma Goldman was taken to Jefferson City, Mo.; Alexander Berkman to Atlanta, Ga.

The vindictive sentences inflicted upon them and the injustice of the entire trial can only have the effect of strengthening the libertarian and Anarchist movement in America.

Their imprisonment is likely to accomplish even more for the no-conscription movement and for anti-militarism than their agitation. The very fact that they are behind the bars ought to make clear to even the dullest mind that the Prussianism that America has set out to combat, by force of arms, is already enthroned in this country.

The crime of Emma Goldman and Alexander Berkman was that they fought for liberty.

Their heroism consists in their willingness to make what even the militarists admit is the supreme sacrifice—the sacrifice of their own bodies and of their own freedom.

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It is marvelous to think that Alexander Berkman, after serving fourteen years in a Pennsylvania prison with spirit unbroken, is still willing to go to jail again in behalf of the liberties of the people.

The example of Emma Goldman and Alexander Berkman is inspiring, and will serve as a beacon light for many a year to come.

LEONARD D. ABBOTT

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### OPENING SESSION

PROSECUTOR H. A. CONTENT: Where is your attorney, Mr. Weinberger?

ALEXANDER BERKMAN: We will conduct our own case. I move an adjournment on the following grounds: We have had absolutely no chance to familiarize ourselves with the case, or with the charges brought by the prosecution against us. We have been unable to see or to subpoena witnesses, many of them being out of town. We have been released from jail only a very short time ago, owing to the fact that it was most difficult to secure for the defendant Emma Goldman the excessive \$25,000 cash bail demanded by the District Attorney; owing, further, to the fact that the prosecution placed many obstacles in the way of releasing the defendant Alexander Berkman on bail. Emma Goldman has been out only since Thursday evening. Every moment of her time until Monday night was devoted to securing bail for the defendant Alexander Berkman. As a result of this we have had no time for a consultation, nor any opportunity to familiarize ourselves with the indictment. For these reasons we ask for a reasonable adjournment to prepare our defense.

MR. CONTENT: Your Honor will understand that whereas it is always the defendant's right to defend himself or herself, on the other hand up until this moment Mr. Weinberger was the attorney of record. This is a form of indictment Mr. Wienberger ought to know and knows. He was furnished with a copy of the indictment the day it was filed. He has had ample opportunity to look it over, and it is not very different from other indictments in which he has been counsel.

EMMA GOLDMAN: I wish to state it is not true, as claimed by Mr. Content, that Mr. Weinberger has charge of our case. He is not in charge of our case, not because he would not have been willing or glad to appear, but because we decided to conduct our own case. We wish to conduct our own case, and we feel we ought to have a reasonable adjournment to prepare our defense. We are asking for a reasonable adjournment.

ALEXANDER BERKMAN: I should like to add to the reasons given by Miss Goldman that I have been out of jail only since Monday evening. Today is Wednesday morning. It was a physical impossibility for me to do anything to become familiar with the indictment, look up witnesses, or to give the matter much thought. I was held twelve days in jail, suffering great pain because of the accident to my foot, and I am now physically and mentally not in a condition to go ahead with the trial.



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**THE COURT:** When this case first came up, I stated that the case would proceed today. The statute of May 18, 1917, provides that violations thereof shall have precedence on the criminal docket. That is the mandate of Congress, approved by the President of the United States. You have concluded to conduct your own case, which is your absolute right; and every effort will be made to give you the fullest opportunity to conduct your own case in accordance with law. But I deem it my duty to deny the motion, and the case will proceed.

**ALEXANDER BERKMAN:** May I say something with regard to the Act under which we are indicted? I am not familiar with it, but I take it that that statute does not intend to deprive us of the opportunity to prepare our case.

**THE COURT:** I have ruled, Mr. Berkman.

**EMMA GOLDMAN:** May I also say, your Honor, that I presume that it is not the intention of the Court to persecute us—that as long as we are not familiar with the indictment, or with the various phases of the law, have we not the right to ask you to reconsider your denial of the motion, and grant us a reasonable adjournment for the purpose of familiarizing ourselves with the indictment and preparing an adequate defense? That is a thing which was granted prisoners even in Russia under the Czar. Surely we ought to have this right in the United States.

The Court again denies the motion for adjournment, and jury is called.

**MR. CONTENT:** Do you want to examine the jurors?

**EMMA GOLDMAN:** I don't wish to participate in this farce.

**MR. CONTENT:** Then you don't want to examine any jurors?

**EMMA GOLDMAN:** No, I don't.

**MR. CONTENT:** Mr. Berkman, do you desire to examine any of the jurors in this proceeding?

**ALEXANDER BERKMAN:** I should like to find out first how we are going to be tried, since we are not prepared. I have stated that I got out of jail Monday, five o'clock in the evening. I am out of prison only one day, and it was humanly impossible to get ready. I have not even read the indictment yet.

**THE COURT:** I have answered all that. I have ruled that you have had plenty of time.

**ALEXANDER BERKMAN:** But I have not had.

**THE COURT:** I have so ruled and you have an exception, and you say you will conduct your case, each of you.

**EMMA GOLDMAN:** Since we realize that the trial will

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be a still greater farce if we allow ourselves to be tried without an examination, we will examine the jurors *under protest*. We want it to go into the record that we protest against any procedure which makes it impossible for the defendants to study their case, or familiarize themselves with certain technicalities which we, as lay people, certainly cannot do in forty-eight hours or even in three or four days. We will examine the jurors *under protest*.

Examination of the jury was carried on under the greatest difficulty, the District Attorney and the Judge constantly interfering. The Judge and District Attorney took it upon themselves to instruct the jurymen to answer that they "would not be prejudiced against the defendants if their activities were within the law."

### MOTION FOR DISMISSAL

ALEXANDER BERKMAN: The defense wants to make a motion for dismissal on several grounds.

THE COURT: I made that motion for you at the beginning of the case. Before Mr. Content opens you may make the motion if you want to.

ALEXANDER BERKMAN: We move to dismiss the indictment for the following reasons:

- (1) It does not charge any crime.
  - (2) The conscription law is unconstitutional because it involves involuntary servitude in the army, in the navy and in industrial and agricultural service.
  - (3) The conscription law violates the moral, ethical and religious beliefs of the people of the United States.
  - (4) The conscription law violates the conscience of the people who are opposed to war on the ground that human life is sacred.
  - (5) The conscription law is highly immoral and prejudicial to the best interests of the country, because it is not to the best interests of the country to force people to act contrary to their judgment and their conscience.
  - (6) The United States has not been invaded, nor is it in danger of invasion; it is not in a condition of rebellion, and therefore the law is not of a defensive but of an offensive character.
  - (7) It is not just to force an American citizen to die on foreign soil against his will, and thus deprive him of the opportunity to die in his own native country.
- For all these reasons we ask that the case and the indictment be dismissed.

THE COURT: Motion denied. You may reserve an exception.

ALEXANDER BERKMAN: Exception taken.

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### Prosecutor's Address by the Prosecutor

GENTLEMEN OF THE JURY: If my recollection serves me correctly, at the time you were examined as talesmen on your qualification as prospective jurors, practically everyone of you, gentlemen of the jury, assented to the statement that you had, at some time or other, served on a jury; so that you doubtless know the purpose of an opening statement in a case of this sort. It is not in any way to furnish evidence. The evidence will come from the mouths of the witnesses and the documents that will be offered for your inspection. But it is only proper in order that you may be assisted in knowing what the witnesses are talking about, that you should know the nature of the charge, and in a brief and concise way what the Government expects to submit to your consideration, that you may later decide the issue of facts submitted to you by the Court.

The general conspiracy section of the United States laws, Sec. 37 of the Criminal Code, in plain English is this: When two or more conspire to commit any offense against the United States and one or more of such persons does any act toward the accomplishment of the conspiracy—what we call an overt or outward act—then the act is complete and that is a conspiracy. Conspiracy simply means two or more persons acting in an unlawful agreement; that is to say, a conspiracy is two or more persons acting in concert in an unlawful plan, either to accomplish something lawful by unlawful means, or to accomplish something unlawful by lawful or unlawful means. If any one of the persons does any act looking toward the accomplishment of the conspiracy, whether he finally succeeds or not, the crime is complete by the commission of the so-called "overt act."

The selective draft law was passed on May 18th, 1917, and on the same day the President duly affixed his signature to a proclamation fixing June 5th, 1917, between the hours of 7 A. M. and 7 P. M., as the date on which people should register as provided by Section 5 of that law. This is section 5 of that law: That all persons between the ages of 21 and 30, both inclusive, are subject to registration except officials and members of the regular army, the navy, the national guard while in the active service of the United States. In other words, all male persons, whether they are citizens or declarants, or aliens; between those ages, are required by that act to register. Some of them may not be subject to draft. For example, a man born in Germany who has taken out his first papers but has not yet completed his citizenship, under the law could not be drafted; but at any rate he must register, because he is a male person between the ages of 21 and 30, both inclusive, and is not a member of the exempt classes.

In addition to that, Section 332 of the U. S. Criminal

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Code says that anyone who directly commits an act or who aids, abets, counsels, commands, induces or procures its commission is a principal. So that you will see at a glance that if you go out and kill a man you are a principal, you have committed the act directly. On the other hand, if you committed that pursuant to my persuasion or inducement or assistance I am an aider, or an abettor, what was formerly known at common law as an accessory before the fact. And by this statute he, too, is made a principal. So that the man procuring the killing is just as guilty in the eyes of our law as the man who fired the shot. So that the indictment in this case charges the two defendants Emma Goldman and Alexander Berkman, and a lot of other people whose names are unknown to the grand jurors, entered into an unlawful agreement or conspiracy that a lot of people of conscriptable age, other than those exempted by reason of service in the army, should willfully disobey the sections of the Act requiring them to register, and that the conspiracy further required that these people and the unknown people should aid and abet and assist and counsel and advise, and assist persons to willfully disobey the command to register—though the law provides that it is the duty of everybody to register, all male persons in the United States other than members of the army, etc., to register in the precincts where they shall have their permanent abode. Whether or not the conspiracy was accomplished makes no difference; but the Government will prove to your ample satisfaction that these persons were component parts of an unlawful conspiracy of two or more persons to induce people of conscriptable age liable to register to disobey the law passed by Congress, signed by the President, and in the pursuance of which law the President of the United States duly issued his proclamation; and to accomplish that conspirative act the indictment charges that on the 18th day of May, on the very eve of the day when the President affixed his signature to the bill, this defendant Emma Goldman, at the Harlem River Park Casino, in the City of New York, delivered an address which was an overt or outward act looking to the accomplishment of their unlawful designs.

Further, to accomplish the object of the conspiracy, that the defendant Alexander Berkman on the 1st day of June, in New York City, published or caused to be published a magazine known as THE BLAST, about which some of you were questioned by Mr. Berkman. The magazine itself, the June issue, will be offered in evidence. That on or about the 2nd day of June, a companion magazine known as MOTHER EARTH, or a copy thereof, was handed by Miss Goldman to an *Herald* reporter by the name of Haggerty, who will be called as a witness before you. That further to accomplish the object of the conspiracy on the 4th day of June, on the eve of the registra-



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tion, these two defendants, in the Hunts' Point Casino, in the Borough of the Bronx, New York City, both delivered addresses, outward acts looking toward the accomplishment of their unlawful designs and plans.

That, gentlemen, is in brief a statement of the Government's case. So that the Government will prove to your satisfaction that at 20 East 125th St., New York City, each of them ran a publication there, Berkman's known as *THE BLAST*, Miss Goldman's as *MOTHER EARTH*; that both published a June number which we claim is highly offensive to law and order, and which we claim further was directly published for the purpose of procuring people wilfully to set themselves above the provisions of the Draft Act of May 18th. We will show that these two people were at all times in active unison and accord; that they sent out through the mails and otherwise literature tending to the result of resisting by every means in their power the laws of the United States duly enacted by the representatives of the people.

The Government will prove further that these people at public meetings have done their very best to inflame the populace to such an extent that it will defy the laws of the United States in every particular; that all these acts together constitute not only a conspiracy but a violent attempt made by these two disturbers of law and order to induce people wilfully to refuse to register, although the Congress of the United States have decreed that people must register as provided in that act of May 18th, 1917.

There is no occasion for further comment at this time. The facts will speak for themselves. The articles and the speeches made by the defendants will speak for themselves. But bear in mind, gentlemen, at all times, that the charge is this: That these two people were in an unlawful agreement that certain people should wilfully refuse to register, that they should assist in every way and counsel and induce people of conscriptable age in every way wilfully to fail and refuse to register in defiance of the laws of the United States, and to further their unlawful designs they committed many outward acts tending toward the breach of the peace and tending toward the accomplishment of their wicked design.

**THE COURT:** Before the examination of witnesses is begun, the program will be this: As to any particular witness produced by the Government, one of the defendants only will offer any objections. That objection will be noted on behalf of both defendants. If the Court rules against the defendants, the defendants from now on will be required to take an exception. But an exception taken by one will be for the benefit of both. So that, for instance, witness number one would be ob-

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they may chose; witness number two the other defendant. But there would not be objections by both defendants at the same time, which would only tend to confusion. The other method that I have suggested, and which I have the discretion to require, will safeguard the rights of both defendants, because both the objection and the exception, if such there be, will be for the benefit of both defendants. Now you may call your first witness.

The prosecution proceeds to present the case of the Government through its witnesses.

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ALEXANDER BERKMAN

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### Alexander Berkman's Introductory Address

After the witnesses for the prosecution had testified, the defense opened its case with the following address by Alexander Berkman.

GENTLEMEN OF THE JURY:

The facts in this case are very simple. It is not a question of printers' bills; it is not a question of rent bills or of deliveries by this or that expressman. The only question at issue here is: Did the defendants conspire to urge people not to register? Before I briefly state what the defense will prove, may I be permitted to make a few remarks with regard to the fact that Miss Goldman and myself are conducting our own case. I merely want to explain our reasons since, so far, our reasons have not been brought out. I want to state right now that Mr. Harry Weinberger is a personal friend of ours, and in justice to him I wish to say that there has been no misunderstanding whatever between Mr. Weinberger and the defendants. We are the best of friends. Mr. Weinberger was our attorney only in the matter of bail; and when the matter of bail was settled, Mr. Weinberger ceased to be our attorney in that connection. Of course, we consult Mr. Weinberger on various questions. But it is a matter of principle on the part of Miss Goldman and myself to defend, or rather to conduct, our own case. As a matter of principle we do not believe in being represented by legal talent at our trial. We believe in explaining things to the jury ourselves. And we believe that it is just and fair to have the jury get some idea about the defendants from their own appearance, from their own expressions of opinion and views. That is all I want to say on this point.

I have stated that the only question involved in this case is whether the defendants conspired to advise people not to register or to urge people not to register. I believe that the Government has absolutely, in fact ridiculously, failed to prove its case. It was brought out here during the examination of the jurymen that the Government must prove its case beyond a reasonable doubt. It seems to me that the Government has not even begun to prove its case that there was a conspiracy between Miss Goldman and myself to urge people not to register. But we, the defendants, take this opportunity to state clearly and frankly to you, gentlemen of the jury, that we are opposed to conscription. I do this so that, during this trial, you may be able to see for yourselves that the defendants are sincere and frank; that they will tell you the truth as to what they do believe and what they do not believe. We will prove that the defendants have throughout their lives always stood up for



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the things they believe in, no matter whether the majority opinion was against them. And similarly in this case, as in all our past, we mean to acknowledge frankly what we believe, and to be as frank in stating what we do not believe. We will frankly admit what we said at mass meetings and what we wrote in various magazines, but we will just as frankly deny anything we did not say on the platform or in print. We will deny anything put in our mouths by any one, contrary to our wishes or opinions. In short, we will hold ourselves to the facts.

We declare emphatically that we are opposed to conscription, and that we have been opposed to conscription for twenty years or more. We go further: we are and have been opposed to every form of militarism and war. But we deny absolutely that either of the defendants ever told any one not to register. We deny that we were in a conspiracy to advise or to urge people not to register. We will prove to you, gentlemen of the jury, beyond any reasonable doubt that the No-Conscription League, of which these defendants are members, consistently refused to advise people to register or not to register. We will prove to your complete satisfaction that the No-Conscription League took a positive decision, at one of its meetings, to give no advice in this matter, but to leave it to the judgment of each individual to decide for himself.

We will further prove to you that the alleged overt acts charged against us in this indictment were the normal expression of the opinions and activities to which the defendants have been devoted for the last twenty-five or thirty years. We will prove that they were the continuation of an agitation carried on by these defendants against conscription, militarism, and against war, during more than twenty years, and not a matter of any recent happening. We will prove to you that for many years the identical views have been expressed by us against war and in opposition to the forcing of human beings to do anything against their will. We will prove further that the overt acts charged against us were not overt acts at all, but the legitimate expression of independent and fearless opinion.

We will further prove to you that the defendants Emma Goldman and Alexander Berkman have been friends and comrades for many years. That they worked along similar lines of activity, but that they were independent thinkers, and that their activities were always independent: that they used independent methods, and independent platforms, though it often happened that they spoke on the same platform, and published articles in the same magazines. We will also prove to you that the monthly magazine MOTHER EARTH, published and edited by Emma Goldman, always was and is now an entirely separate and independent publication from the labor paper

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published in San Francisco by Alexander Berkman and known as THE BLAST. We will prove that MOTHER EARTH has existed for twelve years and that it has consistently followed the same policy against war and in favor of universal peace. We will show that THE BLAST was started about a year and a half ago, four thousand miles from MOTHER EARTH, in San Francisco, as a result of special labor conditions on the Coast; that it had absolutely no connection with MOTHER EARTH, and that the circumstance that the last two issues of THE BLAST were published in New York has also no bearing whatever on MOTHER EARTH, but is due to the fact that I had special business in New York in behalf of certain labor unions, and that my stay in New York was unexpectedly protracted and that I therefore decided to publish a few issues of the paper in this city. We will prove that the mere fact that MOTHER EARTH and THE BLAST—and a number of other magazines, for that matter—happened to hold similar ideas on some subjects, does not in any way constitute either an overt act or a conspiracy, but that, as a matter of fact, there is absolutely no reason to assume that there is any conspiracy involved.

We will also prove to you, gentlemen of the jury, and to your entire satisfaction, that the consensus of intelligent opinion in this country, the opinion of leading writers, of public speakers and statesmen, is that registration and conscription are two distinct things, two separate conceptions; indeed, two different issues. In fact, we will prove by intelligent and reliable witnesses that many people believe in registration but are opposed to conscription, on the ground that registration and conscription are different issues.

And finally we will prove to you, gentlemen of the jury, that at no time and at no place did these defendants, or either of them, urge people not to register. In fact, we will submit documents to prove that one of these defendants wrote a special letter to tell the members of the No-Conscription League that she is entirely opposed to advising anyone not to register. We will submit documents to prove that at no time, at no place—neither in our publications, on the platform, nor anywhere else—did these defendants, or either of them, advise or urge people not to register.

### DISCRIMINATION AGAINST THE DEFENSE

After Alexander Berkman delivered his introductory address to the jury, the defense called its witnesses.

The prejudice and venom on the part of the Court and the Prosecution against Alexander Berkman and Emma Goldman was demonstrated from the very beginning. It reached its climax in the brutal treatment of the friends of the defendants who came to attend the trial. While the court room was packed

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with friends of the Judge, Prosecuting Attorney and Marshal McCarthy, the friends of Alexander Berkman and Emma Goldman were shoved about and insulted and on numerous occasions almost kicked down the stairs. It was under only the greatest difficulty that a few friends of the defendants could be passed through the Cossacks at the door of the American Court. On one occasion Emma Goldman had to call upon Judge Mayer for reasons why the friends of the two defendants were thus treated.

EMMA GOLDMAN: Your Honor, is there any special reason why the friends of the defense are kept out, as long as there is room in the court?

THE COURT: The control of the courtroom in such matters is entirely in the hands of the United States marshal. I assume that he is exercising his discretion appropriately.

EMMA GOLDMAN: We certainly protest against the discrimination.

THE COURT: The court has no knowledge of discrimination. How much time do you desire?

ALEXANDER BERKMAN: I think the defense will require about three hours altogether. Maybe less.

THE COURT: Well, endeavor to finish the defense's summing-up by 1:15 if possible.

### Address by Alexander Berkman

GENTLEMEN OF THE JURY:

It is for the first time that I rise to address a jury.\* It was a new experience for Miss Goldman and myself to examine the talesmen, and it is a new experience to conduct a trial without the presence of counsel. It is more than probable and quite natural that we did not follow the usual procedure. It is also very likely that we have neglected many points and circumstances which a trained lawyer would have used in behalf of the defense. But, as indicated in our introductory statement, it is a matter of principle on our part to dispense with counsel and to address the jury face to face, thus to enable the jury to judge for themselves as to the quality and the character and motives of the defendants. No doubt we could have had the services of brilliant lawyers, and I am sure that even the best legal talent of the country could have been at our disposal. We believe that the fact that we have dispensed with lawyers is to a considerable extent to our detriment. But for the sake

\*At his trial in Pittsburgh, Pa., in 1892, in connection with the historic steelworkers' strike at Homestead, Alexander Berkman refused to be represented by counsel or in any way to participate in the judicial farce. He contented himself merely with reading a statement, setting forth his social views and explaining the motive and purpose of his act.



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of the opportunity to speak to you, as I have indicated, face to face, we are willing to take that disadvantage, because after all, to stand up for our principles in the expression of our ideas for ourselves is more important, more vital to us than the mere question of liberty or even of life.

Gentlemen, if in the examination of the talesmen we have perhaps asked inappropriate questions, or if in the excitement of the unusual experience we have been guilty of some discourtesy, we wish now to express to you our deepest regret and apology. I am sure that you will not hold our inexperience against us. }

And now to the case. The charge against us, as you know from the indictment, is that we conspired to advise and to urge men of conscriptable age not to register. Remember, gentlemen, the indictment is in regard to a conspiracy to urge people not to register. If you look through the indictment you will not find a single word about conscription. I want you, gentlemen, to bear it in mind that the indictment sets forth a conspiracy and overt acts alleged to be connected, in order to induce young men not to register. The question now is, Did the prosecution prove the alleged conspiracy? Did the prosecution prove that we urged people not to register? Did it prove any overt acts in furtherance of that alleged conspiracy? Did it even attempt to prove or to demonstrate that we are guilty as charged? O, no. The prosecution felt its case so weak that it had to drag in a thousand and one issues that have nothing to do with the present charge. It had to drag in the question of Anarchism, of violence, of the Ferrer Modern School, of mass meetings held three years ago under special circumstances, of protest meetings held in this city about four years ago with regard to the Colorado miners' strike, of protest meetings held in connection with the Rockefeller treatment of the Ludlow miners. It had to drag in a thousand and one questions that have as much relation to this case as a lion is related to a jackass.

Why were those irrelevant issues dragged in by the prosecution? Was it not because the prosecution sought to obscure the issue in this case? Was it not because the prosecution hoped to prejudice you, jurymen, perhaps to frighten you, if that were possible, in order to set you up against the defendants, because there is no evidence whatever to prove the charges of this indictment? The prosecution, so far as these defendants are concerned, is perfectly welcome to its professional subterfuges to becloud the issue before you. We don't evade any issue. But the bare fact that the prosecution is compelled to resort to such doubtful tactics ought to be sufficient for any intelligent man to realize that there is absolutely no foundation for this charge, and that we stand here indicted for a charge never mentioned in the indictment itself. We



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*stand here accused of being Anarchists. A vain accusation! We are Anarchists, and I for one am proud of being an Anarchist, and I am sure I may say the same for my co-defendant Emma Goldman.*

You have heard a good deal here about Anarchism and about violence and similar matters unrelated to this indictment. Now, once for all, what is all this talk about violence in relation to Anarchism? I think it is time to explain and to make this matter clear. I am tired of hearing Anarchism confused with violence, the explanation of a thing confused with the cause of the thing. I am tired of all that, and am glad of the opportunity—whatever it may cost—to speak to you, gentlemen, and to tell you just what Anarchism is to Anarchists,—not to the enemies of Anarchism, but what Anarchism is to us and what our position is on violence. There will be no evasion by us. Gentlemen, there is too much humbug in the alleged attitude of the average man toward violence. You speak to the average man, the unthinking man, and ask him, does he believe in violence, and he will hold up his hands in horror. "No!" he will shout. And yet you know it is the most unthinking statement an intelligent man could make. I am sure each and every one of you, gentlemen, is a law-abiding, peaceful citizen. You believe in peace rather than violence. And yet you are all concerned and involved in the present war. You all support the war, which is nothing but wholesale violence. It must, therefore, appeal to your common sense that a sweeping general statement about violence—belief in violence or disbelief in violence—is the statement of an unthinking person. We all believe in violence and we all disbelieve in violence; it all depends upon the circumstances. Under ordinary circumstances no one wants violence, no one wants bloodshed; and yet certain circumstances arise when violence seems to be necessary in order perhaps to combat greater violence, in order to combat a greater evil that may menace humanity. You all therefore, and each of you, do not believe in violence and yet you support the Government of the United States to-day, you support it in the war, a war that means the greatest possible violence. But you have your own good reasons to support this war. I personally do not believe in this war. I do not believe in any war of that character. I believe the war is merely for the purpose of furthering capitalistic interests. I believe the people have nothing to gain from this war, neither the people of Europe nor the people of America. I believe in universal peace. But I am not a pacifist. I am a fighter and all my life I have been fighting for liberty. I am not a pacifist. I want that emphasized. I believe in war under certain circumstances. I believe in fighting. But it is unfair that some remark about violence be picked out here and there, perhaps from the report of a mass meeting held three years

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ago, an expression used by people who may be dead now, as all I know—yet I am ready to stand responsible, as the then editor of the MOTHER EARTH magazine, for any expression used there. All I want is to explain, explain the meaning of such references.

Now, as to the question of violence. Gentlemen, if you know anything at all about human life, if you reflect on the progress of civilization, you will realize that there are two tendencies in human life, tendencies that have always been the foundation and the lever of all progress. Those two tendencies are: the *constructive* and the *destructive* tendency of man. The greater the intelligence, the higher the rise in the scale of development, the less necessity or justification for the destructive tendency of force and violence, and the greater the need for, and the application of, the constructive efforts of man. Take the primitive man, for instance, the cave man. He rushes out of his cave and attacks the female. He knocks her down with a club and drags her to his cave. He is using—whether he knows it or not—the destructive tendency of man, the spirit of violence, of force, of superiority, of authority. But sooner or later, and indeed very soon, he realizes that he and the female have mutual interests: what is good for one is also good for the other: they need each other. He ceases to use the destructive tendency upon the female—he becomes constructive. They organize the family. And one family fights another family. One family uses its destructive tendencies upon the other, tries to annihilate, destroy it by the use of superior violence and force, until the two families rise a little more in the scale of intelligence and realize that they have common interests which can be furthered better by co-operation than by strife. Then the two families combine, and you have the clan. And clan fights clan for the means of subsistence or domination, until they realize their constructive needs and possibilities, then combine and become the tribe. And tribe fights tribe, until tribe and tribe become constructive instead of destructive, become civilized, and then we have the nation. To-day, gentlemen, the nations have not yet fully risen to the constructive level. They are still destructive. As the primitive cave man fought the female, as one family fought the other, as clan fought clan, so to-day this barbarism still persists and one nation fights another nation with force and violence, with dynamite, with flying machines, with the most ingenious inventions of the human mind, inventions which should be for the benefit of mankind, not for its destruction. But the time is coming when the nations, like the clans and tribes of the past, will develop their constructive tendencies, will realize that all humanity is kin, and that people in Russia, in Germany, in France or America have the same purpose: to live, to enjoy life and liberty and sunshine. They will learn

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that it is better to co-operate, to work together, to use mutual effort for a common good, rather than to murder and slaughter each other. The nations that are fighting to-day are still in the *destructive* stage of their development. But we, we Anarchists, have reached the *constructive* stage, and we say to the nations, as we would have said to the primitive men: combine; work together; help each other; mutual aid shall be your condition of life. We are the Internationalists, and I am sure that some day the nations will become international, in the sense that they will do away with all this internecine strife, do away with murder, slaughter, and violence. Yet you accuse us of violence—we who stand for the principle of universal peace? Preposterous!

Now, what is the relation of this particular point to Anarchism itself? Of course, gentlemen of the jury, you know that Anarchism is a new idea, comparatively speaking. It often takes hundreds of years to elucidate and explain and make a new idea popular, especially a new idea that runs contrary to all the accepted notions, all old prejudices, all our old superstitions. Anarchism wants to change the false values of hatred, of strife, of brother murdering brother, the false values of exploitation and robbery, of tyranny, of oppression. We want to change these false values and give humanity new values. In the words of the great, perhaps the greatest, philosopher of modern times, we want to trans-value all human values, to give them a new meaning, a new foundation, with the hope and the necessary result of a different and better society. Anarchism has been misrepresented. Naturally so. As many philosophies, that are accepted to-day, had been misrepresented in the past. What is the matter with Christianity itself? You remember the early Christians in the time of the Roman Caesars, the Christians who stood for an ideal then as we stand for an ideal of brotherhood to-day. What did they do with those Christians, Mr. District Attorney? They put them in the arena to be torn by wild beasts. They crucified them on the streets of Rome, because crucifixion then was the customary method of capital punishment. And if we had crucifixion to-day, I am sure that these defendants would be crucified also. What did they do with the Huguenots, the conscientious objectors of their time? You know. They slaughtered the Huguenots by the hundreds of thousands all through France. And what did they do with Garibaldi whom the City of New York has been celebrating only a few days ago? There is his statue! What did they do with Garibaldi, the liberator of Italy from the yoke of the foreign oppressor? They put him in prison. What did they do to Mazzini and the other great liberators of Italy? They put them in prison. What did they do with Bruno who propagated a new and strange and unpopular theory? They burned Bruno at the stake. And I am

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sure that there are men to-day who would burn the modern Brunos at the stake. And a hundred years hence their descendants would build monuments to them, as you have built a monument there for Garibaldi.

We do not need to go back very far in history. What is the matter with the Russian revolutionists? Their Commission is honored by your city right now, at this very moment. I say that their Commission honors your city. The representatives of the Russian Revolution, the revolution fought against the tyranny of the Czar, the revolution whose great gospel is liberty for all, well-being for each, happiness for humanity, that revolution has to-day its representatives in your midst and you are honoring them. And who are those revolutionists? They have returned from Siberia, from the dungeons of the Peter and Paul Fortress, they have returned from Schluesselburg, from the mines of Kara, from Sakhalin, from the places where revolutionists were sent by the Czar and governors of Russia for a hundred years. These rebels against tyranny, these lovers of humanity have come back from Siberia and to-day they are at the helm of the destinies of Russia. You celebrate them to-day in the persons of their representatives, and *we*, we are here in this courtroom, on trial—for what? For loving humanity.

I said it would be interesting to know on this occasion, especially because it is in the evidence, what relation violence has to Anarchism. You have heard the word Anarchism mentioned many times, but perhaps you have not heard what it really means. It comes from two Greek words, and very simple they are. "Arche" means power or violence. And "an", a prefix, means without. "Anarche" in Greek. Anarchy in English, which means without violence. The philosophy of Anarchism means the negation of violence, opposition to violence. The very translation of the word means absence of violence and absence of government as representing organized forms of violence. And yet this stupid man, the ignorant man opposite me, dares say, Anarchism means violence, when the very meaning of the word Anarchism stands for the negation of all forms of violence and force. I have tried to call your attention, gentlemen, to the fact that Anarchism, which stands for human brotherhood, for the constructive tendencies of man, seeks an opportunity only, an opportunity to develop these tendencies of man, these constructive tendencies as against the destructive tendencies; an opportunity to develop them first, of course, by enlightening the people, by telling them what Anarchism really means, by doing away with all those misrepresentations of Anarchism which our enemies have inculcated into the minds of the people. Misrepresentations—and when was there a time when a new idea was not misrepresented? Why, some of you perhaps remember the



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Abolitionist days in this country. Did not the ordinary stupid citizen consider an Abolitionist a murderer? Why? Because those who were their enemies, those who were opposed to their ideas misrepresented the abolitionists, misrepresented the philosophy and vilified the champions of that philosophy. And what did the abolitionists want? They wanted the emancipation of the black man. To-day it is a fact. They were successful finally. We have not been successful yet. But before they were successful what happened to the greatest, to the noblest representatives of abolition? What happened to Garrison, William Lloyd Garrison who was dragged in the streets of Boston, dragged by a mob and almost lynched because he stood for a bigger conception of human love, because he stood for a greater conception of brotherhood, because he said "No country can be free when half way free and half way slave." And we, gentlemen of the jury, say the same thing to-day. No country is free, half way free and half way slave. We are in the position of Garrison and Wendell Phillips and John Brown. But we say that not only the black slave must be emancipated, but also the white wage slave of the factory. We are the modern Abolitionists.

But why do some people pretend that we mean only violence? When we explain what violence is, where violence comes from, and how inevitable it is that when there is violence above there will be a reaction, there will be violence below—when we explain these things there comes the District Attorney and says, "They advocate these things." If I say to you, "It looks cloudy and there is going to be a storm," will you say that I have caused the storm or that I am responsible for it? That is the logic of the District Attorney.

Gentlemen of the jury, in looking over the testimony in this case—it strikes me, and I am sure it will convince any intelligent man, that the District Attorney proved only one thing, and that is that we are Anarchists. It did not need to be proven, Mr. District Attorney. We cheerfully, proudly admit that we are Anarchists, that we are opposed to all capitalist wars, that we believe in universal peace, that we believe in brotherly co-operation, in mutual aid, not only in the family and the tribe and the clan and the nation, but between all nations, between all humanity. We stand here as Anarchists, and I am proud to stand here as a believer in the highest ideal that the human mind ever conceived, the ideal of liberty and sunshine for everyone: the ideal of the rights of the child, the child who to-day works in the factories and the mills, and is exploited day after day; the rights of the woman, the equal rights of the woman in every way; the right of the man not alone to an empty political liberty, but the right of every man to the resources of life, the right of the working class to produce for the general benefit, not for the profit of this or that

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monopolist; the right of humanity to enjoy the wealth of the world. What is wealth for? Why was it produced? It was produced to enjoy, not to speculate with, not to monopolize. We demand, in other words, the emancipation of the wage slave, white or black, the factory slave, the working class, the proletariat—as we call them—the proletariat of all countries. I have no more use for the exploiter and monopolist of America than I have for the exploiter of Germany or Austria, of Italy, South America or China. The exploiter of humanity does not belong to a particular country. It is an international class. The true benefactor of mankind is also international. It is the man or the woman who works for greater liberty and well-being, the people who advocate peace, brotherhood among humanity. We, the Anarchists, stand for the emancipation of the wage slave from slavery, for the liberation of the woman and child from exploitation. We demand for every man, woman, and child the right of life, the opportunity to work and produce, and a chance to enjoy sunshine and happiness. That is what Anarchism means.

The District Attorney has proven that we are Anarchists, and I want you to know what we Anarchists stand for. What else has the District Attorney proven? He was to prove two things, gentlemen. He was to prove that there was a conspiracy between these defendants, a conspiracy to advise and urge conscriptable men not to register; and he was to prove that overt acts had been committed by us in pursuance of that conspiracy. Has he proven either one of these two propositions? He has not proven a single thing about either one, neither the conspiracy nor the overt act. And when I go ahead to analyze his testimony and our testimony, I think I can convince you, gentlemen, beyond a reasonable doubt that we have proven our case instead of the District Attorney proving his. You have heard here, gentlemen, that on your oaths you cannot convict unless you are absolutely certain in your own hearts and consciences that the District Attorney has proven his case beyond a reasonable doubt. But I say the defense has proven its case beyond a reasonable doubt and the District Attorney's case has not a leg to stand on. Now I will proceed to examine the evidence submitted by the District Attorney and let you see what he has proven and how he has proven it.

His case was so "strong" that he had immediately to lay his strongest proof before you by producing here a printer and a bookbinder, an expressman and a telephone man. And he actually proved, gentlemen of the jury, that MOTHER EARTH was printed at a printer's. He actually proved that THE BLAST was bound in a bindery. He proved that an expressman actually delivered packages of MOTHER EARTH to the MOTHER EARTH office. He proved that packages of THE BLAST were

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871217000

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delivered to THE BLAST office. Do you think a paper is printed without a printer, without an electrotyper to make electros, from the pictures and illustrations? Do you think we do not need an expressman to deliver packages? Why did the District Attorney waste your time and patience by proving these things? Because he can prove nothing else. All those things were admitted by the defense. Ridiculous even to submit such things in evidence! And lo, and behold, we get a new Sherlock Holmes upon the scene, Harold A. Content! He discovers a tremendous secret and submits it to you as his chief piece of evidence. What is that big discovery of our great detective? The No-Conscription Manifesto, the No-Conscription Manifesto that was sent out in 50,000 copies all over the country. The No-Conscription Manifesto that was read by millions of people in this country. Some secret! By millions of people—because practically every big paper in New York and Chicago and in all the other cities reprinted the manifesto, some in whole, some in excerpts. Millions of people have read it. Fifty thousand copies were sent out through the mails of the Federal Government. It required this great Sherlock Holmes to discover to you the secret, the existence of a No-Conscription Manifesto. I think, gentlemen of the jury, the very fact that the District Attorney had to submit such inadequate, irrelevant, absolutely useless facts as proof is an insult to your intelligence as jurymen. And when we come to the No-Conscription Manifesto, what do you find there? The word registration is not even mentioned. And here is his own charge about registration. The whole charge, the indictment of conspiracy to induce people not to register is based practically on this manifesto; and this manifesto never mentions the word registration. Some detective. Some proof. Some foundation for this ridiculous charge! Now let me read to you just one more passage to tell you the real meaning of this manifesto. The No-Conscription Manifesto, the very title of it, No-Conscription, not "No-Registration." Do you think if I wanted a No-Registration pamphlet I would issue a No-Conscription pamphlet? Have I ever hidden my meaning? Have I not always been frank to express it and perfectly free to voice my views? Why, the very purpose of my work is to express my views. They say we published a No-Conscription Manifesto when we meant No-Registration—we who have been only too frank all through this trial; who mean to be frank the rest of our lives; who have been frank all through the past, beginning with Russia, and suffered for it, too. We have said No-Conscription when we meant No-Registration! And what does this No-Conscription Manifesto say, in essence? "Liberty of conscience is the most fundamental of all human rights, the pivot of all progress. No man may be deprived of it without losing every vestige of freedom of thought



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... these days when every principle and conception of democracy and of liberty is being cast overboard under the pretext of democratizing Germany, it behooves every liberty-loving man and woman to insist on his or her right of individual choice in the ordering of his life and actions." And here is again a passage that gives the very gist of the matter in one sentence: "The No-Conscription League is to be the voice of protest against the coercion of conscientious objectors to participate in the war." The gist of the No-Conscription movement in one paragraph. The No-Conscription movement is for the purpose of giving voice to protest, expressing the opinions of the conscientious objectors who do not want to participate in the war. That was the purpose of the No-Conscription movement. That was the purpose of the No-Conscription manifesto. Here it is expressed in the plainest, simplest language. And only a District Attorney could misunderstand it or try to delude you with the claim that the manifesto referred to No-Registration instead of dealing, as it does, exclusively with Conscription. It was necessary for the District Attorney to resort to such cheap subterfuge to bolster up the preposterous position of the Government in regard to the charge against us.

There were four No-Conscription mass meetings addressed by Miss Goldman. You will remember that the first No-Conscription meeting took place in Harlem River Casino, on May 18th. The next meeting of the League was held in Hunts' Point Palace, June 4th. Another meeting in Forward Hall, on June 14th. That is three meetings. Miss Goldman had also spoken, by invitation of another organization, in Royal Lyceum, June 11th. That is also in the evidence. Four meetings in all. Three of them were addressed also by me. What has the District Attorney produced with regard to those meetings? He has concentrated all his evidence on the meeting of May 18th. Now, gentlemen of the jury, it may not be quite clear to you why he did so. But there was a good reason, and no one knows the reason better than the defendants and Mr. District Attorney. There was a strong reason for centering the attention of the jury on the meeting of May 18th, and practically ignoring the speeches made at the other meetings. I will tell you the secret, and I want you to listen carefully. The District Attorney knew, and we can prove it, that we had our own stenographic notes of the meetings of June 4 and 11. The only meeting of which we did not have stenographic notes was the meeting of May 18th. The District Attorney selects May 18th. He knew that we had an expert shorthand reporter, engaged by the S. S. Corporation, take notes of the June 4 and June 14 speeches. The only meeting we had no notes of was that of May 18th. The District Attorney used the May 18th meeting as his chief argument. I



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will show you a moment later how he used those notes. But bear in mind just now that that is the only meeting of which we had no stenographic notes, and that the prosecution knew this fact.

In the first place, I hold that the meeting of May 18th had no business to be in this evidence at all. Not that we are not willing to stand for anything we have said. We have made it a principle of our lives to accept responsibility for articles in our magazines of which we do not even approve. We have stated on previous occasions, and I want to repeat now, that we are prepared to stand responsible for any article that ever appeared in MOTHER EARTH or in THE BLAST—no matter who wrote it, no matter whether the author is dead or alive, no matter what he says there, no matter even if I am entirely opposed to what he says. Why? Because we believe in free speech, and MOTHER EARTH was established just for that purpose. THE BLAST was established for the purpose of giving workingmen a chance to say what they think. We believe in free speech, and that is why you will find various, and sometimes contradictory, opinions expressed in MOTHER EARTH as well as in THE BLAST.

What I want to point out to you now, gentlemen, is that the meeting of May 18th had no business in this evidence. The District Attorney is a lawyer, a learned lawyer, and he knew it had no business in this case at all. Why did it have no business? Because the meeting of May 18th, according to the prosecution's own testimony, took place before there was such a thing in this country as a conscription law. We are indicted under the conscription—

THE COURT: Mr. Berkman, I do not want you to lose any unnecessary time on that subject. The Court is going to charge the jury that the Selective Service Law went into effect on the 18th day of May.

ALEXANDER BERKMAN: Very well.

THE COURT: And that at the time the meeting was held it was the duty of all persons not to violate the statute. The Court is going to charge that as a matter of law.

ALEXANDER BERKMAN: I am glad that the Court supports my contention that the Conscription Bill was not signed until May 18th. And I want to point out to you that it was signed by the President of the United States at ten o'clock at night, May 18th. The witness of the District Attorney stated here that Miss Goldman spoke on May 18th at 9:15 P. M., and that her speech was finished at 9:45. Besides that, gentlemen of the jury, you know what meetings are. Miss Goldman and I, being at a mass meeting, how could we know whether the President signed the bill or not? I do not want to argue along this line. I merely point out to you the char-

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prosecution—and the motive back of it, to which I will come later.

Now, then, the meeting of May 18th, and that particular speech quoted, took place before the Conscription Bill became a law or had the signature of the President. Gentlemen, there is another important point about the meeting of May 18th. The District Attorney found himself in a dilemma. It was hard for him to decide what should be done about these meetings, and, especially the meeting of May 18th. You will see in a moment how he solved his dilemma. The May 18th meeting was the result of a wide-spread agitation that went on all over the country, because conscription was then discussed in Congress. The question of conscription was being agitated throughout the country. Many Congressmen voiced their constitutional objections and reasons against conscription. Many of them argued that it is contrary to the best interests of the country, contrary to the traditions of America, contrary to the very spirit of liberty upon which this republic is supposed to have been founded. There was a great deal of excitement in the country. Every person has a right to discuss. And naturally every one was very much interested. Mass meetings were taking place throughout the land, in opposition to conscription. One of them was the meeting of May 18th, at which Miss Goldman and myself spoke. Does it not appeal to your common sense that the chief topic of discussion at that meeting would be conscription? Registration was practically unknown then. The country hardly knew what registration was about, at that time. The Bill had not yet been signed, as I have called your attention to before. Conscription overshadowed every other issue on that day. Registration was not an issue. All the speeches at the meeting of May 18th were devoted, almost exclusively, to the discussion of conscription. Now, the District Attorney knew that. And there was his dilemma. What should he do to make the speech of Miss Goldman, on that particular evening, the most important link in his evidence? There was very little, perhaps nothing, about registration in her speech. Yet he had to make something of it. I will tell you what he did: he *doctored the document*.

I charge now and right here, and I am willing to take the consequences, that he doctored the stenographic notes of the patrolman with regard to the meeting of May 18th. And I am going to prove it to you right now. How did he doctor them? First of all, let us consider this wonderful stenographer who is really a patrolman, who has very little experience in stenography, as has been shown you, and who is only a third-grade stenographer, not an expert shorthand reporter. He could not tell you when he took stenographic notes previous to the meeting of May 18th. He stood there, confused, and when I asked

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him: "Tell us, when did you take stenographic notes before," he could not mention any occasion when he took stenographic notes at a meeting, except May 18th, Miss Goldman's speech. And then, gentlemen, when we put him to the test here, when Miss Goldman dictated to him in your own presence,—why, he dropped his hands at the second sentence: he could not take anything because he has no experience. And here this man, a patrolman, not really a stenographer, not a court reporter, who passed only with 125 or 120 words maximum, incompetent, by his own testimony—this third-grade, not third-grade really, but what in common language we would call tenth-grade stenographer—claims that he took down the total speech of Miss Goldman on May 18th! And how did he take it down? I am going to use his own testimony. He stood with both feet on a beer table, a round flat-topped beer table having only one leg; he stood in the center, people were passing up and down and jostling him, he was leaning against the wall with his hand in an insecure position, and thus he was taking down the speech of one of the fastest speakers in this country. Miss Goldman is considered the third fastest speaker in America, and only experts can take her speeches. Are you going to believe the testimony of this aerobic stenographer? But Mr. Randolph, this patrolman who acts as a stenographer on one particular occasion in all his life, this Mr. Randolph has a very simple system. He just leaves out the words that he does not get. He leaves out the sentences he does not get, and he puts in the things he thinks should be there. That is his system, according to his own testimony, gentlemen. I do not want to say anything against Mr. Randolph personally. I am sorry for Randolph. He is not a bad man. He is just weak, and he is a patrolman. He may have a wife and family. He wants to keep his job. It is a tragedy, gentlemen, that a man has to keep his job by such methods. But it is not the fault of Mr. Randolph. Randolph has it in his stenographic notes that Miss Goldman said, "We believe in violence and we will use violence." That is the sentence he has and he sticks to that sentence. Now, of course, that is Mr. Randolph's idea of an Anarchist's speech. It had to be in. He was sent there to put that in. But maybe you, gentlemen, will have a different conception of Anarchist speeches before we are through. You have heard some Anarchist speeches delivered here, since you have been so patiently listening in this court for many days. You have heard Anarchist articles read. I want you to compare, in your own minds, the spirit and the manner of expression in the Anarchist speeches and articles you have heard here from the defendants with the spirit and the character of this would-be Anarchist expression, "We believe in violence and we will use violence."

Gentlemen, I don't think I need to waste much time in



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proving to you that it was an impossibility for Miss Goldman to use such an expression. I challenge anyone, without the least fear of successful contradiction, to prove to me that in her twenty-seven years of experience on the public platform Miss Goldman ever used such an expression, or anything similar to such an expression, or anything that might be construed as meaning anything similar to that expression. Miss Goldman speaks about 250 times every year; she has lectured in practically every city and town; she has spoken to hundreds of thousands; in every city she has been welcomed again and again by the best minds. Do you mean to tell me that the incoherent thing that was read on the stand by the policeman can be credited to this intelligent woman? That incoherent, stupid, unconnected statement, that forgery—and a poor stupid forgery at that. Do you mean to tell me that that stuff is the speech of a trained, practiced orator like Miss Goldman? I leave it to your intelligence, gentlemen of the jury.

Nor is it necessary to dwell much upon the various pamphlets, leaflets and books written by Miss Goldman. Most of them are in evidence here. I haven't time to read them, nor do I wish to try your patience. But I challenge anyone, and the District Attorney especially, to pick out a single sentence in any of her books, in any of her pamphlets, that can even be interpreted as meaning what this patrolman-stenographer tells you, "We believe in violence and we will use violence." I have spoken to you before about the true meaning of Anarchism, and I don't think it is necessary to repeat that the very spirit and philosophy of Anarchism, for which we stand, proves that this document, this police stenographic report, is *inherently* false. Within itself it contains the proof that the expression attributed to Miss Goldman is not in harmony with her ideas and is, in fact, contrary to everything she has been advocating for many years.

I don't think I shall bother much more with the testimony of Mr. Randolph. I said that I am sorry for him, and now I am through with his evidence. But he was corroborated by another man, Edward Cadell, the acting detective. Now, what does Cadell say? Cadell swears that he took down every word, and he reads quoting allegedly what Miss Goldman said: "When they are conscripted they will not register." Such an idiotic statement! Does, then, conscription come first, registration afterwards? First they won't be conscripted, she says, according to Cadell, and then they will not register. That is the statement of your acting detective, as good a stenographer, every bit, as Mr. Randolph. Mr. Acting Detective also has another statement. He quotes Miss Goldman in a wonderful manner: "Breshnabotsky was tortured." I don't blame the witness for not being familiar with Russian history, or the history of the Russian Revolution and the names of our great



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martyrs. I don't blame him in the least. But I will point out something significant to you. I will point out to you that that sentence alone proves that this testimony was manufactured to order. It would have been absolutely impossible for Miss Goldman to say, "Breshnabotsky was tortured." In the first place, the name is Breshkovskaya. It is the name of the "Grandmother of the Russian Revolution," the woman who served forty years in Siberia, the noblest woman that the world has seen, with the exception of Miss Goldman; the woman who visited this country a few years ago, and was entertained and honored by the best representatives of American thought. Then she returned to Russia under the Czar, was arrested for her activities—the same activities that Miss Goldman has been following in this country; she was arrested and sent to Siberia again; a woman eighty years old. She is called the "Grandmother of the Russian Revolution." She was true to her ideals through long years in the mines of Kara, the mines where life is death; through all the years of her Siberian existence she has remained true to the ideals of Liberty, and she has now been called back by the triumphant Revolution of Russia to advise her people, to guide and enlighten them, to help them carry the banner of the Russian Revolution into the open road of sunshine, of liberty and joy. That is Breshkovskaya. That is the woman to whom Miss Goldman referred, and I assure you there is no one in this country who is more familiar with the life and activities of Madame Breshkovskaya than Miss Goldman, because she is, as she has indeed been called, the Breshkovskaya of America. According to the police stenographer Miss Goldman said, "Breshkovskaya was tortured." Miss Goldman could not have said it. Breshkovskaya was never tortured. Miss Goldman knows it. What she did say was that Breshkovskaya has just been called back. She gave the story of Madame Breshkovskaya. She told about her exile—

THE COURT: Just a minute. There is no evidence to that effect.

ALEXANDER BERKMAN: That is where another sentence comes in—

THE COURT: Then read it. You cannot state any evidence that has not been introduced. You cannot make your own statements.

ALEXANDER BERKMAN: I am speaking of "Breshkovskaya tortured." The stenographer's words—

THE COURT: You can take the stenographer's words. You can read any part of it. But you cannot make a statement to the jury of what you heard or what the co-defendant heard or said, because no such evidence was introduced excepting by the witness. You can state anything the witness has said.

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ALEXANDER BERKMAN: Very well. Gentlemen of the jury, I am referring—I am not a lawyer and don't know all these technical points; perhaps they are insignificant and not important—I am referring to those particular words "Breshkovskaya was tortured." It is a lie. Breshkovskaya never was tortured. Emma Goldman could not possibly say that Breshkovskaya was tortured, any more than you could say that President Wilson was a prisoner in Russia. She mentioned another woman who was tortured, Spiridonova—

MR. CONTENT: This is not evidence, your Honor.

ALEXANDER BERKMAN: I can't be interfered with every moment.

THE COURT: Just one moment; you will be interefered with when you do not follow the rules applicable in court. You cannot state anything that is not in evidence. You cannot state to this jury unsworn and not subject to cross-examination any interpretation of yours of what took place. You can have the fullest opportunity with the greatest latitude to discuss the evidence produced on this witness stand, whether that evidence was the evidence of the two stenographers who are members of the Police Department or was the evidence of witnesses produced by either the prosecution or the defendants. The jury is instructed to utterly disregard any statement made by either of the defendants or by the District Attorney which is not in evidence.

ALEXANDER BERKMAN: Gentlemen of the jury, it is sufficient to establish here the fact that Miss Goldman could not possibly have said Breshkovskaya was tortured; and that is all that is necessary to say about that part of the evidence of the man who corroborated Mr. Randolph, and who is an acting detective.

I want to say this here: That not having been trained to talk to a jury, and this being my first experience, it is rather confusing to be interrupted. Now, gentlemen, the fact is that neither Randolph nor the witness who corroborated him could take Miss Goldman's speech. She speaks too rapidly. You heard the testimony of two of the best experts in this country, one of whom was at one time the champion in his line. You heard his testimony that Miss Goldman frequently at meetings and lectures speaks two hundred words a minute, and that she is the third fastest speaker in the country. And that will explain, I think, why there are such nonsensical statements in the stenographic notes of the police transcript of the May 18th meeting, and why there are statements that are inherently false, statements that could not possibly have been made by Miss Goldman. You have also heard another expert shorthand reporter; I believe his name is Mr. Pickler. He was put on as a witness by the prosecution. He is the expert shorthand reporter of the S. S. Corporation which engaged him to take

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down the speeches. Mr. Pickler testified that he had never met either Miss Goldman or myself, until the meeting of May 18th. He is the witness of the prosecution. But the spirit of the prosecution is evidenced when it shouts at its own witness, "You are prejudiced in favor of the defense!" Of course, in the opinion of the District Attorney, any witness who tells the truth on the stand necessarily must be prejudiced in favor of the defense. Mr. Pickler does not know us and is not in sympathy with our ideas. But you looked at him, and I am sure you have never seen a finer type of American—an open, frank face, an honest expression, the very personification of frankness. The District Attorney tries to discredit his own witness, and fails miserably.

Now, gentlemen of the jury, I pride myself, justly or wrongly, on being a bit of a psychologist, and I divide the witnesses of the prosecution in classes, just to save time, instead of analyzing their testimony one by one. I can safely divide the witnesses of the prosecution into three classes. One class consisted of witnesses who gave entirely immaterial testimony. It is detective Barnitz, Officer McGee, the telephone man, the expressman and a few more. I want to say that Detective Barnitz told nothing but the truth. He testified to our arrest: that we were frank about our work; that we did not try to resist, and so forth. Officer McGee testified that he confiscated certain documents. I say that these witnesses were of the first class, whose testimony is entirely immaterial with regard to the real charge at issue, the conspiracy to urge people not to register.

The second class comprised the printer of the Grayzel Press, the printer of the Graphic Press, the manager of the Harlem River Casino, where the meeting was held on May 18th, Mr. Wood, the binder, and several others. The evidence given by this class of witnesses was entirely in favor of the defense. You have heard what Mr. Wood said about Miss Goldman; how he respects and admires her. You have heard what the other witnesses testified to about the friendly relations we have had with all these business men. That is all there was to this testimony. You have also heard the testimony of Mr. Michael who owns, or rather pays rent for, the front room at 20 East 125th Street, third floor, and who was good enough to let us use his room for a while. You listened to the testimony of Mr. Kelly. All of them belong to the same class of witnesses, some for the prosecution, some for the defense, all testifying to immaterial facts, merely showing that there were our offices, that our relations were friendly, that our work was no secret, that MOTHER EARTH has been in existence for twelve years and that it passed through the Post Office as second class mail matter. Also that THE BLAST had an office on the third floor, back, in the same building as MOTHER EARTH, and that



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everything was done openly and above board in the frankest manner. That is the testimony of the first and the second class witnesses.

Now we come to the witnesses of the third class: the patrolman who wants to be a stenographer, and the stenographer who is an active detective. Then several Federal men, a soldier, and so forth. All interested and prejudiced witnesses, gentlemen; witnesses who do not like us, who do not understand us, who have no conception of our ideals, and by whom we have been misrepresented. But even they—what do they prove? Absolutely nothing. Even with all these witnesses, with the whole power of the Federal Government back of him, with the machinery of the Police Department and the detective bureau of the City of New York—with all this tremendous power back of the District Attorney, what did he prove against us? Nothing, absolutely nothing, except what we ourselves cheerfully and proudly admitted.

Now, gentlemen, as to the conspiracy itself, I think it would be ridiculous to dwell upon it. You have had us before your eyes for about ten or more days. You have heard us, you have had an opportunity to study our characters. I leave it to your own intelligence to judge whether we are the kind that slink about, that conspire in dark corners, that hide; whether we are the sort of people that make conspiracies,—unless our friendship and comradeship for the last twenty-seven or thirty years can be considered a conspiracy, the friendship and comradeship of which I am proud. Gentlemen, as to a conspiracy, there ain't no such animal in this zoo!

As impossible as it was for the District Attorney to prove a conspiracy, impossible because it did not exist, just as unsuccessful was he in proving any overt acts. Perhaps if I were a lawyer I would stop right here, because since he did not prove any conspiracy the whole charge falls; and even if there had been any overt acts the charge falls, because we are indicted for conspiracy and I have proven, I think, and I believe the intelligence of the jurors themselves will convince them, that the very suggestion of a conspiracy is ridiculous, preposterous, taking into consideration the facts of the situation and the character of the work we have been doing for the past thirty years. The conspiracy has not been proven—but I am not satisfied merely to show you that the District Attorney failed to prove his case. I want to demonstrate to you that the defendants *did* prove their case beyond a reasonable doubt. They are not expected to do so. But I shall not be satisfied in my own conscience until I show that to you. I know I can. I say that the District Attorney proved neither conspiracy nor any overt acts in furtherance of any imaginary conspiracy. Now, what are the overt acts that he is charging us with?

He talks about the May 18th meeting. Miss Goldman and



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I had a conspiracy there, he says, and he quotes her alleged speech. But why didn't he quote anything from my speech?

I am supposed to have entered into a conspiracy with Miss Goldman. She makes a speech, according to the District Attorney, and I, the co-conspirator, do not even say a word in furtherance of my conspiracy. Not a word quoted from my speech, my great conspiratory speech of May 18th! The District Attorney did read my speech of June 4th, and not a line in it about any conspiracy or urging against registration. So it seems that we had a conspiracy, but one of the two conspirators never said a word in furtherance of his conspiracy. There were meetings, and there were speeches, and Mr. District Attorney has those speeches, and the co-conspirator Alexander Berkman never uttered a word to further the conspiracy. If we had really had a conspiracy, it would be insulting to me to be proven such a poor conspirator.

What are the other proofs of the prosecution that show us guilty of overt acts in furtherance of the conspiracy? There is nothing of any proof in the falsified notes of the stenographer. Suppose I admit, just for the sake of the argument, that what Randolph took down, "We believe in violence and we will use it," is correct. Where is the conspiracy, and where is the urging not to register? What has that to do with any conspiracy? Why, the detectives, numbers of them, were at the meeting; representatives of the Marshal's office, Federal officers, soldiers and everybody else were present. Miss Goldman is supposed to have said, "We will use violence," and nobody arrests her. She is not arrested for inciting to riot when all those officials of the City, State and Federal Government hear her say, "We believe in violence and we will use violence." Why was she not arrested? Because she did not utter those words. You can bet your life that she would have been arrested mighty quick if she had said anything like that. But I go further. Suppose she did say that. What has it to do with any conspiracy? Is she charged with inciting to riot? Is it charged that a riot took place? Why did they put in that sentence? Why is that sentence, that one sentence, the strongest link of the prosecution? Why put it in when it has nothing to do with the conspiracy against registration, absolutely nothing to do with urging people not to register? The answer is, because they had nothing else.

Now, what other alleged testimony or proof has been produced by the prosecution? The articles of MOTHER EARTH of the year 1914, articles dealing with reports of speeches held in Union Square under peculiar conditions, as the result of a special situation in the United States, at the time of the great miners' strike in Colorado. Mind you, speeches in 1914, by people, some of whom Miss Goldman probably does not even know. That is put in evidence as proving conspiracy under this

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new law of May 18, 1917. Is that evidence to prove that Miss Goldman urged people not to register on May 18, 1917? Have they submitted anything from MOTHER EARTH to connect us in any way with a conspiracy not to register? Have they produced any articles, old or new, that tell people "Do not register"? I am pointing out to you the character of this prosecution. I think you know, from your own impressions during the trial, that we stand for the things we believe in. If I wanted to say to people "Don't register," would I say to them, "I am opposed to conscription"? I am not that kind of a man. I am opposed to conscription, and I will say so. But if I wanted to urge people not to register, I would not tell them that I am opposed to conscription: I would tell them not to register. I demand that the District Attorney show evidence to the effect that either I or Miss Goldman advised any one not to register, or ever said in our speeches, or in MOTHER EARTH or in THE BLAST, "Don't register," or "You should not register." We are accustomed to say what we feel like saying, what we believe is right for us to say. Don't try to misinterpret the meaning of words. Words have their particular meaning, gentlemen of the jury, and even if I have to say it myself, I think I can use words in their proper meaning. I think I am an accurate writer. In fact, I am more accurate as a writer than as a speaker. I do not pretend to be an orator. I am now uttering what I consider common sense, as man to man. In my writings I am particularly accurate. I should consider it an insult to me, as a literary man, if anyone tried to misinterpret the meaning of my words, if anyone tried to tell me: "You meant a different thing when you said this. You said this and you meant something else." I say what I mean, in public and in private. I have no double character. I have no private character. My public and my private character is the same. I will say here in the court room—as I said before and as I will continue to say as long as my voice holds out—just what I believe. It is not a question of public speeches, not a question of any mass meetings or writings in MOTHER EARTH or in THE BLAST. I have said, do say, and will say just what I believe. I do not want any other words put in my mouth, words I have not said, things I have not meant. I stand for everything published in MOTHER EARTH and in THE BLAST, because we believe in free speech: we believe that free speech is the very foundation of liberty in this country or in any other country. I believe that the moment you begin to limit free speech, the moment you begin to persecute those who believe in the use of free speech, that moment you are committing the worst crime against liberty, the worst crime against democracy, the worst crime against the traditions in which you believe, the worst crime against the best interests of the people, because the abolition of free speech is a bad thing, gentlemen. Free speech is a sacred thing. Russia knows it. All other countries

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know it. And you, gentlemen of the jury, are intelligent enough to know that this country was originally founded upon the liberty of conscience, upon free speech, upon the free expression and discussion of opinion. We may be wrong. May be Anarchism is all wrong. May be all our ideas are wrong. But I claim the right even to be wrong. I may express any opinion. If I am wrong, I am willing to discuss with you, willing to discuss with anyone. It was I who sent word to the soldiers that I believe in free speech and that I would therefore give them the platform, though we did not expect them. I believe free discussion and free speech should not be limited under any pretext. It is a dangerous thing to do. It is the assassination of liberty.

Suppose we are wrong. Suppose our ideas are wrong. Is that any reason why we are guilty of conspiracy on this charge? Is that a reason to believe that we conspired or told people not to register? Why, gentlemen of the jury, many of the idealists of the past were told that they were wrong, but history proved them right. What if we are not wrong, after all? If you try to suppress us, you rob the people of the opportunity to learn our ideas. If our views are foolish, no intelligent person will accept them. There is no danger in letting a man talk foolishly. But there may be danger for the monopolist and the speculator in human blood to let people tell the truth. There may be danger. Perhaps in this you will find the explanation why they try to suppress those who tell the truth. I must emphasize that. There is no danger in getting up here and expressing foolish ideas. I could not convert you, if my ideas are foolish. There would be no harm done. But if my ideas are right, you will commit the greatest mistake in suppressing their expression. And therefore I say that I believe in the right of being wrong, as much as in the right of being right. In short, I believe in complete free speech. I am willing to take the consequences that may follow from the expression of my opinions. That is free speech. And it is for that reason that you will find, for instance, in MOTHER EARTH or in THE BLAST articles that sometimes really contradict themselves. Why? Because we open our pages to everyone, believing in free expression and in the free discussion of all views. Out of such discussion, I am sure, and only out of such discussion, can there come clarity, come understanding, and that which is of the greatest benefit and blessing to humanity—sympathy.

I don't like to take up too much time, but the District Attorney has read here an article by Alexander Berkman, called "Registration," from the last issue of THE BLAST, June, 1917. I haven't time to read it all to you. You have heard it read before, and I just want to point out to you what spirit animated the interpretation of the prosecution. I said in that



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article that registration is the first step toward conscription. The District Attorney read that sentence in a very peculiar tone, calculated to insinuate into your minds something that was not in the article. I have said, and I repeat, that registration is the first step to conscription. But, gentlemen of the jury, is that equivalent to urging people not to register? If I say to you, "I have taken the first step into the restaurant," does it mean that I have urged *you* to eat? When I say that registration is the first step to conscription, I have stated what I consider to be a fact. But that does not mean that registration and conscription are synonymous. Everyone understands that registration is one thing, conscription another. The District Attorney tries to interpret that statement as meaning "Don't register." Now take the other sentence: "The conscientious objector to human slaughter will neither register nor be conscripted," a statement which I believe is true, and which is an expression of my opinion. But since when is an expression of opinion to be considered as urging people to do or not to do a thing? Since when is opinion to be interpreted as an act? There is a very clear distinction, gentlemen of the jury. Don't let any technical legal point confuse you about such a simple matter. There is expression of opinion, and there are acts. No sane man will say that expression of an opinion is the same thing as an act, or that an expression of opinion means advice to others. Ridiculous! If I say to you "I am hungry," does it mean I urge you to eat? If I say that registration is the first step to conscription, does it mean that I tell you that you should not register?

Gentlemen, I have mentioned several times that I am opposed to war, to capitalist war, and that I believe in universal peace and the constructive tendencies of man. I believe that through education, through organization, through enlightenment we will bring people to the point of sanity where war will become impossible, where the destructive tendencies will disappear, and misery, desperation and poverty, the sources of crime, will be things of the past. I believe that with the whole power of my heart and mind. May be I shall not see that day in my own lifetime. But that makes no difference. I believe these things are absolutely true.

It has further been shown to you that we do not believe in conscription. I consider conscription the death-blow to American liberty, or to any other kind of liberty. I believe we are making ourselves the laughing stock of the world by claiming that we stand for liberty and democracy, while we force people to go to war when they don't believe in war. I am opposed to conscription. But I am not charged here with conspiracy against conscription. I am charged with conspiracy against registration, or rather conspiracy to urge men not to register. I believe that conscription is wrong. I believe that



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conscription is tyranny. I believe that if the people had more intelligence and courage, the law would never have been passed. It is an insult to the people of the United States, an insult to humanity, to say that you must go to war and slaughter, when you have conscientious objections to murder. We do not believe in that thing. According to your own conceptions, gentlemen, government derives its powers from the consent of the governed. The people of the United States have not been asked whether they want conscription. They have been dragged, they have been forced into conscription. And therefore I say that the people have the right to throw away what they do not want. They have the right either to repeal conscription or to resist conscription. Thomas Jefferson said that resistance to tyranny is the beginning of freedom. Thomas Jefferson, one of the greatest men you ever had in this country, said that it was not only the right of the people, but even their duty, to resist tyranny. Therefore we stated that we believe in resisting conscription, and we advised the people to organize mass meetings, to join their voice to our protest against militarism and thus help to arouse the public conscience.

Gentlemen of the jury, we Anarchists work to educate and enlighten. That is why we publish literature and seek to spread it. We have repeatedly emphasized our belief that, in proportion as the people become enlightened, they will abolish the evils with which society is festering to-day. We believe in education, and we have tried to inform the people about the menace of militarism, the criminality of war which is but murder. We held up to them the ideal toward which humanity should strive: the ideal of universal peace, brotherhood and labor solidarity. The District Attorney cast it up to us that we asked people to send money to us. We did. We need money to publish literature. The printer testified that he had to be paid.

Another article from THE BLAST was read to you by Prosecutor Content. I suppose District Attorneys are not supposed to be susceptible to humor. Content evidently did not know that it was a humorous sketch called "War Dictionary," by Alexander Berkman. Between ourselves, I rather prided myself on it, because it was the first time—so far as I know—that anyone thought of a war dictionary. One of the definitions reads: "The Allies, the fairies of Democracy." Fairies, you know, are supposed to bring you many blessings. But fairies are a myth. That is my idea of the Allies. They pretend to be fighting for liberty. England, especially, has promised all manner of good things to Ireland. But those promises are fairies: they will not materialize. My humorous definition of the Allies is one of the "strongest" links in the case of the prosecution.

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...definition is: free speech: say what you please, but keep your mouth shut." One more powerful proof in support of the conspiracy charge against us! But I shall not waste any more time analyzing such evidence. It would be an insult to your intelligence.

Now comes something with which I should have perhaps started my argument, and which is in itself sufficient proof that the alleged conspiracy did not exist, and that, furthermore, Miss Goldman had taken the very opposite attitude from what she is here charged with. I am referring to the statement Miss Goldman sent from Springfield, Massachusetts, to the No-Conscription meeting of May 23rd, regarding her position on registration. The District Attorney sneered when Miss Helen Boardman, Miss Fitzgerald and numerous other defense witnesses testified that they heard a statement read, a statement from Miss Goldman, at the May 23rd meeting. The District Attorney shouted, "I don't believe there was any such statement!" When I said that the document was among the effects confiscated in our office by the District Attorney, he jumped up and cried: "I will make you prove it." Well, we did prove it. The statement was found among the papers of the District Attorney. It is in evidence. It has been read to you, and you heard very clearly what Miss Goldman wrote: that she would refuse to advise young men not to register. That statement itself disproves the whole case of the prosecution.

In passing, I want to call your attention, gentlemen of the jury, to the type of witnesses produced by the prosecution, and those of the defense. On the one hand we have a soldier, who has made it his business to break up peace meetings and who is bitter against us. Then Federal officers, police and detectives, with a few other similar witnesses. For the defense there appeared men and women of the best calibre, such as Lincoln Steffens, Bolton Hall, Leonard Abbott, John Reed, Mrs. John Sloan, Miss Helen Boardman, Alter Brady, writer and poet, and a number of others, the flower of American manhood and womanhood. Did the District Attorney mean to tell you, as he sneered at them, that they all perjured themselves? For what? Some of them had never met us before. They testified they came to the meeting of May 18th, and to other meetings specially to see how far we "would go in breaking the law." They said they were disappointed. Some of them even came to the committee meetings of the No-Conscription League and to our offices to get advice about registration. They were disappointed because, as they themselves stated, we refused to advise them not to register. Miss Goldman's statement proves it, if any additional proof is necessary.

I will tell you why we refused to advise young men not to register.

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I would never advise anyone to do a thing which does not endanger me. I am willing to resist tyranny. If I were willing and ready to resist tyranny, I might advise others to do so, because I myself would do it. I would be with them and take the responsibility. But I was excepted from that registration business. I did not have to register. I was beyond the age. I was not in danger. And would I advise anyone to do the thing which does not put me in danger? I would advise people once in a while, if I thought it necessary to do things, dangerous things; but I would be with them. Never would I advise anybody to do a thing that is dangerous and I not be there or I not be in danger. That is why I did not advise people not to register.

Gentlemen of the jury, I think that I should not use any more time with regard to the evidence. I believe it has been absolutely demonstrated here that the District Attorney has no case. He proved neither conspiracy nor any overt acts. It is further demonstrated that such a conspiracy could not possibly exist, and that all the previous acts of our enlightening propaganda and agitation and all the ideals of Miss Goldman and myself are inherently opposed to any such thing as a dark conspiracy, and that other circumstances which I have mentioned made it impossible for us to urge people not to register. I think I have sufficiently proven, beyond any reasonable doubt, that the defense or defendants never advised or urged anyone not to register and that there was no such conspiracy. I think I have said enough about that. If I argue this point, gentlemen, before I conclude, I want you to know that I am not arguing to keep myself from going to prison. I am not afraid of prison. I am willing to suffer for my ideas in prison, if necessary. Life is dear, but not so dear that I should be at liberty without self-respect. I would rather be in prison with my ideals, with my convictions, true to myself, than be outside with my soul damned in my own estimation. So I am not pleading to save ourselves from prison. Ourselves, I say, because I know that Miss Goldman shares my views and my feelings in this matter. No, it is not a question of prison with us. It is a question of whether we stand here indicted as guilty of conspiracy to induce people not to register, or whether the prosecution has tried to arouse your passions and prejudices against us as Anarchists. That is the question. It is really Anarchism that is on trial here, and I am glad it is, because it is well for you to know what Anarchism is, since we are Anarchists.

Gentlemen of the jury, this is an important, a solemn moment in your lives, in your lives much more than in mine. A solemn moment, because the eyes of the whole country, indeed the eyes of the world, are upon you. This is no petty question of telling some one not to register. The real question at issue



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here is, have we got free speech and liberty of expression in this country, or not. That is the real question, over and above this indictment, over and above all the fool things that have been said by the District Attorney. It is up to you, as representing, on this occasion, the American people, it is up to you as the jury in this case to tell the world by your verdict whether you believe that free speech is necessary and sacred, or whether you believe that your forefathers, the founders of this Republic, sacrificed their lives in vain, and that we should throw on the dungheap all those things for which they fought, for which people have bled, for which the martyrs of all countries have died: Free speech and liberty of expression and freedom of conscience. That is, that will be, the meaning of your verdict. It is not a question of a few years in prison. It is not a question of conspiracy or registration. Will you say by your verdict that people shall not talk in this country, that people shall not think, that people shall not dare express an opinion? And if you say "We have war," I say to you, because of the war it is necessary for you to show that we do have liberty, that we do have some democracy here. Why, yes, the war, you say, is for the very purpose of carrying democracy and liberty to Europe. Will you proclaim to the world that you who carry liberty and democracy to Europe have no liberty here, that you who are fighting for democracy in Germany, suppress democracy right here in New York, in the United States? Are you going to suppress free speech and liberty in this country, and still pretend that you love liberty so much that you will fight for it five thousand miles away? Charity begins at home, gentlemen of the jury. Liberty begins at home. That is where you begin right now, to-day, to show that you stand for liberty. We have spoken for liberty all our lives. Now *you* are put to the test as men who believe in liberty; you are put to the test. It is for you to show whether you believe in liberty. And let me tell you, whether you think that we are right or whether we are wrong, one thing you know: the spirit that animates this woman, the spirit that animates these defendants, is the spirit that has in the past emancipated the bondman. It is the spirit that will in the future emancipate the slave from his slavery, the tyrant from his tyranny; the spirit that will abolish war, make us all brothers of one family, without the evils and crimes that darken the world to-day, without oppression and monopoly, and make the world a fit place to live in, with a real motto, actually applied: Liberty for all, well-being for every one, and happiness for humanity.



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### Emma Goldman's Address to the Jury

GENTLEMEN OF THE JURY:

As in the case of my co-defendant, Alexander Berkman, this is also the first time in my life I have ever addressed a jury. I once had occasion to speak to three judges.

On the day after our arrest it was given out by the U. S. Marshal and the District Attorney's office that the "big fish" of the No-Conscription activities had been caught, and that there would be no more trouble-makers and disturbers to interfere with the highly democratic effort of the Government to conscript its young manhood for the European slaughter. What a pity that the faithful servants of the Government, personified in the U. S. Marshal and the District Attorney, should have used such a weak and flimsy net for their big catch. The moment the anglers pulled their heavily laden net ashore, it broke, and all the labor was so much wasted energy.

The methods employed by Marshal McCarthy and his hosts of heroic warriors were sensational enough to satisfy the famous circus men, Barnum & Bailey. A dozen or more heroes dashing up two flights of stairs, prepared to stake their lives for their country, only to discover the two dangerous disturbers and trouble-makers, Alexander Berkman and Emma Goldman, in their separate offices, quietly at work at their desks, wielding not a sword, nor a gun or a bomb, but merely their pens! Verily, it required courage to catch such big fish.

To be sure, two officers equipped with a warrant would have sufficed to carry out the business of arresting the defendants Alexander Berkman and Emma Goldman. Even the police know that neither of them is in the habit of running away or hiding under the bed. But the farce-comedy had to be properly staged if the Marshal and the District Attorney were to earn immortality. Hence the sensational arrest; hence also, the raid upon the offices of THE BLAST, MOTHER EARTH and the No-Conscription League.

In their zeal to save the country from the trouble-makers, the Marshal and his helpers did not even consider it necessary to produce a search warrant. After all, what matters a mere scrap of paper when one is called upon to raid the offices of Anarchists! Of what consequence is the sanctity of property, the right of privacy, to officials in their dealings with Anarchists! In our day of military training for battle, an Anarchist office is an appropriate camping ground. Would the gentlemen who came with Marshal McCarthy have dared to go into the offices of Morgan, or Rockefeller, or of any of those men without a search warrant? They never showed us the search warrant, although we asked them for it. Nevertheless,

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EMMA GOLDMAN

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they turned our once into a battlenoid, so that when they were through with it, it looked like invaded Belgium, with the only difference that the invaders were not Prussian barbarians but good American patriots bent on making New York safe for democracy.

The stage having been appropriately set for the three-act comedy, and the first act successfully played by carrying off the villains in a madly dashing automobile—which broke every traffic regulation and barely escaped crushing every one in its way—the second act proved even more ludicrous. Fifty thousand dollars bail was demanded, and real estate refused when offered by a man whose property is rated at three hundred thousand dollars, and that after the District Attorney had considered and, in fact, promised to accept the property for one of the defendants, Alexander Berkman, thus breaking every right guaranteed even to the most heinous criminal.

Finally the third act, played by the Government in this court during the last week. The pity of it is that the prosecution knows so little of dramatic construction, else it would have equipped itself with better dramatic material to sustain the continuity of the play. As it was, the third act fell flat, utterly, and presents the question, Why such a tempest in a teapot?

Gentlemen of the jury, my comrade and co-defendant having carefully and thoroughly gone into the evidence presented by the prosecution, and having demonstrated its entire failure to prove the charge of conspiracy or any overt acts to carry out that conspiracy, I shall not impose upon your patience by going over the same ground, except to emphasize a few points. To charge people with having conspired to do something which they have been engaged in doing most of their lives, namely their campaign against war, militarism and conscription as contrary to the best interests of humanity, is an insult to human intelligence.

And how was that charge proven? By the fact that MOTHER EARTH and THE BLAST were printed by the same printer and bound in the same bindery. By the further evidence that the same expressman had delivered the two publications! And by the still more illuminating fact that on June 2nd MOTHER EARTH and THE BLAST were given to a reporter at his request, if your please, and gratis.

Gentlemen of the jury, you saw the reporter who testified to this overt act. Did any one of you receive the impression that the man was of conscriptable age, and if not, in what possible way is the giving of MOTHER EARTH to a reporter for news purposes proof demonstrating the overt act?

It was brought out by our witnesses that the MOTHER EARTH magazine has been published for twelve years; that it was never held up, and that it has always gone through the U. S. mail as second-class mail matter. It was further proven

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ond, and that it was sold or given away at the office to whoever wanted a copy. Where, then, is the overt act?

Just as the prosecution has utterly failed to prove the charge of conspiracy, so has it also failed to prove the overt act by the flimsy testimony that MOTHER EARTH was given to a reporter. The same holds good regarding THE BLAST.

Gentlemen of the jury, the District Attorney must have learned from the reporters the gist of the numerous interviews which they had with us. Why did he not examine them as to whether or not we had counseled young men not to register? That would have been a more direct way of getting at the facts. In the case of the reporter from the New York Times, there can be no doubt that the man would have been only too happy to accommodate the District Attorney with the required information. A man who disregards every principle of decency and ethics of his profession as a newspaper man, by turning material given him as news over to the District Attorney, would have been glad to oblige a friend. Why did Mr. Content neglect such a golden opportunity? Was it not because the reporter of the Times, like all the other reporters, must have told the District Attorney that the two defendants stated, on each and every occasion, they would not tell people not to register?

Perhaps the Times reporter refused to go to the extent of perjuring himself. Patrolmen and detectives are not so timid in such matters. Hence Mr. Randolph and Mr. Cadell, to rescue the situation. Imagine employing tenth-rate stenographers to report the very important speeches of dangerous trouble-makers! What lack of forethought and efficiency on the part of the District Attorney! But even these two members of the police department failed to prove by their notes that we advised people not to register. But since they had to produce something incriminating against Anarchists, they conveniently resorted to the old standby, always credited to us, "We believe in violence and we will use violence."

Assuming, gentlemen of the jury, that this sentence was really used at the meeting of May 18th, it would still fail to prove the indictment which charges conspiracy and overt acts to carry out the conspiracy. And that is all we are charged with. Not violence, not Anarchism. I will go further and say, that had the indictment been for the advocacy of violence, you gentlemen of the jury, would still have to render a verdict of "Not Guilty," since the mere belief in a thing or even the announcement that you would carry out that belief, can not possibly constitute a crime.

However, I wish to say emphatically that no such expression as "We believe in violence and we will use violence" was uttered at the meeting of May 18th, or at any other meeting.



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I could not have employed such a phrase, as there was no occasion for it. If for no other reason, it is because I want my lectures and speeches to be coherent and logical. The sentence credited to me is neither.

I have read to you my position toward political violence from a lengthy essay called "The Psychology of Political Violence."

But to make that position clearer and simpler, I wish to say that I am a social student. It is my mission in life to ascertain the cause of our social evils and of our social difficulties. As a student of social wrongs it is my aim to diagnose a wrong. To simply condemn the man who has committed an act of political violence, in order to save my skin, would be as unpardonable as it would be on the part of the physician, who is called to diagnose a case, to condemn the patient because the patient has tuberculosis, cancer, or some other disease. The honest, earnest, sincere physician does not only prescribe medicine, he tries to find out the cause of the disease. And if the patient is at all capable as to means, the doctor will say to him, "Get out of this putrid air, get out of the factory, get out of the place where your lungs are being infected." He will not merely give him medicine. He will tell him the cause of the disease. And that is precisely my position in regard to acts of violence. That is what I have said on every platform. I have attempted to explain the cause and the reason for acts of political violence.

It is organized violence on top which creates individual violence at the bottom. It is the accumulated indignation against organized wrong, organized crime, organized injustice which drives the political offender to his act. To condemn him means to be blind to the causes which make him. I can no more do it, nor have I the right to, than the physician who were to condemn the patient for his disease. You and I and all of us who remain indifferent to the crimes of poverty, of war, of human degradation, are equally responsible for the act committed by the political offender. May I therefore be permitted to say, in the words of a great teacher: "He who is without sin among you, let him cast the first stone." Does that mean advocating violence? You might as well accuse Jesus of advocating prostitution, because He took the part of the prostitute, Mary Magdalene.

Gentlemen of the jury, the meeting of the 18th of May was called primarily for the purpose of voicing the position of the conscientious objector and to point out the evils of conscription. Now, who and what is the conscientious objector? Is he really a shirker, a slacker, or a coward? To call him that is to be guilty of dense ignorance of the forces which impel men and women to stand out against the whole world like a glittering lone star upon a dark horizon. The conscientious

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objector is impelled by what President Wilson in his speech of Feb. 3, 1917, called "the righteous passion for justice upon which all war, all structure of family, State and of mankind must rest as the ultimate base of our existence and our liberty." The righteous passion for justice which can never express itself in human slaughter—that is the force which makes the conscientious objector. Poor indeed is the country which fails to recognize the importance of that new type of humanity as the "ultimate base of our existence and liberty." It will find itself barren of that which makes for character and quality in its people.

The meeting of May 18th was held before the Draft Bill had actually gone into effect. The President signed it late in the evening of the 18th. Whatever was said at that meeting, even if I had counseled young men not to register, that meeting cannot serve as proof of an overt act. Why, then, has the Prosecuting Attorney dwelt so much, at such length, and with such pains on that meeting, and so little on the other meetings held on the eve of registration and after? Is it not because the District Attorney knew that we had no stenographic notes of that meeting? He knew it because he was approached by Mr. Weinberger and other friends for a copy of the transcript, which request he refused. Evidently, the District Attorney felt safe to use the notes of a patrolman and a detective, knowing that they would swear to anything their superiors wanted. I never like to accuse anyone—I wouldn't go so far as my co-defendant, Mr. Berkman, in saying that the District Attorney doctored the document; I don't know whether he did or not. But I do know that Patrolman Randolph and Detective Cadell doctored the notes, for the simple reason that I didn't say those things. But though we could not produce our own stenographic notes, we have been able to prove by men and women of unimpeachable character and high intelligence that the notes of Randolph are utterly false. We have also proven beyond a reasonable doubt, and Mr. Content did not dare question our proof, that at the Hunts' Point Palace, held on the eve of registration, I expressly stated that I cannot and will not tell people not to register. We have further proven that this was my definite stand, which was explained in my statement sent from Springfield and read at the meeting of May 23rd.

When we go through the entire testimony given on behalf of the prosecution, I insist that there is not one single point to sustain the indictment for conspiracy or to prove the overt acts we are supposed to have committed. But we were even compelled to bring a man eighty years of age to the witness stand in order to stop, if possible, any intention to drag in the question of German money. It is true, and I appreciate it, that Mr. Content said he had no knowledge of it. But, gentlemen of the jury, somebody from the District Attorney's office

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or someone from the Marshal's office must have given out the statement that a bank receipt for \$2,400 was found in my office and must have told the newspapers the fake story of German money. As if we would ever touch German money, or Russian money, or American money coming from the ruling class, to advance our ideas! But in order to forestall any suspicion, any insinuation, in order to stand clear before you, we were compelled to bring an old man here to inform you that he has been a radical all his life, that he is interested in our ideas, and that he is the man who contributed the money for radical purposes and for the work of Miss Goldman.

Gentlemen of the jury, you will be told by the Court, I am sure, that when you render a verdict you must be convinced beyond a reasonable doubt; that you must not assume that we are guilty before we are proven guilty; and that it is your duty to assume that we are innocent. And yet, as a matter of fact, the burden of proof has been laid upon us. We had to bring witnesses. If we had had time we could have brought fifty more witnesses, each corroborating the others. Some of those people have no relation with us. Some are writers, poets, contributors to the most conventional magazines. Is it likely that they would swear to something in our favor if it were not the truth? Therefore I insist, as did my co-defendant Alexander Berkman, that the prosecution has made a very poor showing in proving the conspiracy or any overt act.

Gentlemen of the jury, we have been in public life for twenty-seven years. We have been haled into court, in and out of season—we have never denied our position. Even the police know that Emma Goldman and Alexander Berkman are not shirkers. You have had occasion during this trial to convince yourselves that we do not deny. We have gladly and proudly claimed responsibility, not only for what we ourselves have said and written, but even for things written by others and with which we did not agree. Is it plausible, then, that we would go through the ordeal, trouble and expense of a lengthy trial to escape responsibility in this instance? A thousand times no! But we refuse to be tried on a trumped-up charge, or to be convicted by perjured testimony, merely because we are Anarchists and hated by the class whom we have openly fought for many years.

Gentlemen; during our examination of talesmen, when we asked whether you would be prejudiced against us if it were proven that we propagated ideas and opinions contrary to those held by the majority, you were instructed by the Court to say, "If they are within the law." But what the Court did not tell you is, that no new faith—not even the most humane and peaceable—has ever been considered "within the law" by those who were in power. The history of human growth is at



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the same time the history of every new idea heralding the approach of a brighter dawn, and the brighter dawn has always been considered illegal, outside of the law.

Gentlemen of the jury, most of you, I take it, are believers in the teachings of Jesus. Bear in mind that he was put to death by those who considered his views as being against the law. I also take it that you are proud of your Americanism. Remember that those who fought and bled for your liberties were in their time considered as being against the law, as dangerous disturbers and trouble-makers. They not only preached violence, but they carried out their ideas by throwing tea into the Boston harbor. They said that "Resistance to tyranny is obedience to God." They wrote a dangerous document called the Declaration of Independence. A document which continues to be dangerous to this day, and for the circulation of which a young man was sentenced to ninety days prison in a New York Court, only the other day. They were the Anarchists of *their* time—they were never within the law.

Your Government is allied with the French Republic. Need I call your attention to the historic fact that the great upheaval in France was brought about by extra-legal means? The Dantes, the Robespieres, the Marats, the Herberts, aye even the man who is responsible for the most stirring revolutionary music, the Marseillaise (which unfortunately has deteriorated into a war tune) even Camille Desmoulins, were never within the law. But for those great pioneers and rebels, France would have continued under the yoke of the idle Louis XVI., to whom the sport of shooting jack rabbits was more important than the destiny of the people of France.

Ah, gentlemen, on the very day when we were being tried for conspiracy and overt acts, your city officials and representatives welcomed with music and festivities the Russian Commission. Are you aware of the fact that nearly all of the members of that Commission have only recently been released from exile? The ideas they propagated were never within the law. For nearly a hundred years, from 1825 to 1917, the Tree of Liberty in Russia was watered by the blood of her martyrs. No greater heroism, no nobler lives had ever been dedicated to humanity. Not one of them worked within the law. I could continue to enumerate almost endlessly the hosts of men and women in every land and in every period whose ideas and ideals redeemed the world because they were not within the law.

Never can a new idea move within the law. It matters not whether that idea pertains to political and social changes or to any other domain of human thought and expression—to science, literature, music; in fact, everything that makes for freedom and joy and beauty must refuse to move within the law. How can it be otherwise? The law is stationary, fixed,



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mechanical, "a chariot wheel" which grinds all alike without regard to time, place and condition, without ever taking into account cause and effect, without ever going into the complexity of the human soul.

Progress knows nothing of fixity. It cannot be pressed into a definite mould. It cannot bow to the dictum, "I have ruled," "I am the regulating finger of God." Progress is ever renewing, ever becoming, ever changing—*never is it within the law.*

If that be crime, we are criminals even like Jesus, Socrates, Gallileo, Bruno, John Brown and scores of others. We are in good company, among those whom Havelock Ellis, the greatest living psychologist, describes as the political criminals recognized by the whole civilized world, except America, as men and women who out of deep love for humanity, out of a passionate reverence for liberty and an all-absorbing devotion to an ideal are ready to pay for their faith even with their blood. We cannot do otherwise if we are to be true to ourselves—we know that the political criminal is the precursor of human progress—the political criminal of to-day must needs be the hero, the martyr and the saint of the new age.

But, says the Prosecuting Attorney, the press and the unthinking rabble, in high and low station, "that is a dangerous doctrine and unpatriotic at this time." No doubt it is. But are we to be held responsible for something which is as unchangeable and unalienable as the very stars hanging in the heavens unto time and all eternity?

Gentlemen of the jury, we respect your patriotism. We would not, if we could, have you change its meaning for yourself. But may there not be different kinds of patriotism as there are different kinds of liberty? I for one cannot believe that love of one's country must needs consist in blindness to its social faults, to deafness to its social discords, of inarticulation to its social wrongs. Neither can I believe that the mere accident of birth in a certain country or the mere scrap of a citizen's paper constitutes the love of country.

I know many people—I am one of them—who were not born here, nor have they applied for citizenship, and who yet love America with deeper passion and greater intensity than many natives whose patriotism manifests itself by pulling, kicking, and insulting those who do not rise when the national anthem is played. Our patriotism is that of the man who loves a woman with open eyes. He is enchanted by her beauty, yet he sees her faults. So we, too, who know America, love her beauty, her richness, her great possibilities; we love her mountains, her canyons, her forests, her Niagara, and her deserts—above all do we love the people that have produced her wealth, her artists who have created beauty, her great apostles who

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emotion we hate her superficiality, her cant, her corruption, her mad, unscrupulous worship at the altar of the Golden Calf.

We say that if America has entered the war to make the world safe for democracy, she must first make democracy safe in America. How else is the world to take America seriously, when democracy at home is daily being outraged, free speech suppressed, peaceable assemblies broken up by overbearing and brutal gangsters in uniform; when free press is curtailed and every independent opinion gagged. Verily, poor as we are in democracy, how can we give of it to the world? We further say that a democracy conceived in the military servitude of the masses, in their economic enslavement, and nurtured in their tears and blood, is not democracy at all. It is despotism—the cumulative result of a chain of abuses which, according to that dangerous document, the Declaration of Independence, the people have the right to overthrow.

The District Attorney has dragged in our Manifesto, and he has emphasized the passage, "Resist conscription." Gentlemen of the jury, please remember that that is not the charge against us. But admitting that the Manifesto contains the expression, "Resist conscription," may I ask you, is there only *one kind* of resistance? Is there only the resistance which means the gun, the bayonet, the bomb or flying machine? Is there not another kind of resistance? May not the people simply fold their hands and declare, "We will not fight when we do not believe in the necessity of war"? May not the people who believe in the repeal of the Conscription Law, because it is unconstitutional, express their opposition in word and by pen, in meetings and in other ways? What right has the District Attorney to interpret that particular passage to suit himself? Moreover, gentlemen of the jury, I insist that the indictment against us does not refer to conscription. We are charged with a conspiracy against registration. And in no way or manner has the prosecution proven that we are guilty of conspiracy or that we have committed an overt act.

Gentlemen of the jury, you are not called upon to accept our views, to approve of them or to justify them. You are not even called upon to decide whether our views are within or against the law. You are called upon to decide whether the prosecution has proven that the defendants Emma Goldman and Alexander Berkman have conspired to urge people not to register. And whether their speeches and writings represent overt acts.

Whatever your verdict, gentlemen, it cannot possibly affect the rising tide of discontent in this country against war which, despite all boasts, is a war for conquest and military power. Neither can it affect the ever increasing opposition to conscription which is a military and industrial yoke placed

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upon the necks of the American people. Least of all will your verdict affect those to whom human life is sacred, and who will not become a party to the world slaughter. Your verdict can only add to the opinion of the world as to whether or not justice and liberty are a living force in this country or a mere shadow of the past.

Your verdict may, of course, affect us temporarily, in a physical sense—it can have no effect whatever upon our spirit. For even if we were convicted and found guilty and the penalty were that we be placed against a wall and shot dead, I should nevertheless cry out with the great Luther: "Here I am and here I stand and I cannot do otherwise."

And gentlemen, in conclusion let me tell you that my co-defendant, Mr. Berkman, was right when he said the eyes of America are upon you. They are upon you not because of sympathy for us or agreement with Anarchism. They are upon you because it must be decided sooner or later whether we are justified in telling people that we will give them democracy in Europe, when we have no democracy here? Shall free speech and free assemblage, shall criticism and opinion—which even the espionage bill did not include—be destroyed? Shall it be a shadow of the past, the great historic American past? Shall it be trampled underfoot by any detective, or policeman, anyone who decides upon it? Or shall free speech and free press and free assemblage continue to be the heritage of the American people?

Gentlemen of the jury, whatever your verdict will be, as far as we are concerned, nothing will be changed. I have held ideas all my life. I have publicly held my ideas for twenty-seven years. Nothing on earth would ever make me change my ideas except one thing; and that is, if you will prove to me that our position is wrong, untenable, or lacking in historic fact. But never would I change my ideas because I am found guilty. I may remind you of two great Americans, undoubtedly not unknown to you, gentlemen of the jury; Ralph Waldo Emerson and Henry David Thoreau. When Thoreau was placed in prison for refusing to pay taxes, he was visited by Ralph Waldo Emerson and Emerson said: "David, what are you doing in jail?" and Thoreau replied: "Ralph, what are you doing outside, when honest people are in jail for their ideals?" Gentlemen of the jury, I do not wish to influence you. I do not wish to appeal to your passions. I do not wish to influence you by the fact that I am a woman. I have no such desires and no such designs. I take it that you are sincere enough and honest enough and brave enough to render a verdict according to your convictions, beyond the shadow of a reasonable doubt.

Please forget that we are Anarchists. Forget that it is



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claimed that we propagated violence. Forget that something appeared in MOTHER EARTH when I was thousands of miles away, three years ago. Forget all that, and merely consider the evidence. Have we been engaged in a conspiracy? has that conspiracy been proven? have we committed overt acts? have those overt acts been proven? We for the defense say they have not been proven. And therefore your verdict must be not guilty.

But whatever your decision, the struggle must go on. We are but the atoms in the incessant human struggle towards the light that shines in the darkness—the Ideal of economic, political and spiritual liberation of mankind!



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### Address of Harold A. Content, Assistant United States Attorney, to the Jury

#### GENTLEMEN OF THE JURY:

Unfortunately I am sadly lacking in that eloquence of words that has distinguished Miss Goldman's oration. I am paid to talk for a living, but I am sure that if Miss Goldman wanted to accept a position in the Government service she could secure the finest kind of position by reason of her oratorical gifts. But perhaps I have something in the nature of a confession to make to you, because there was a time in my youthful career when I offered myself as a candidate for the State legislature, and I told with all my sincerity the voters in my district why they should vote for me, and you can judge the degree of success I had, when I tell you that I failed to be elected. But I feel in this case, that whereas the Government forces may not be able to place before you that eloquence, that impassioned oratory, that use of words that has so distinguished Miss Goldman during the past twenty or thirty years, still on the other hand the Government has brought before you an eloquence of facts that cannot be disregarded by any juror who is conscientiously trying to decide a question of fact upon the evidence submitted to him and upon nothing else. Now, gentlemen of the jury, you were told somewhat in the opening speech to the jury just what the law in question was.

(The Prosecutor here again defined the charge of conspiracy, the meaning of overt acts and reviewed the evidence.)

And now, gentlemen of the jury, before I pass to the other witnesses I just want to refer to a few things that were brought out in the summation of the defendants, that I haven't really thought of specially when I prepared these few remarks that I am giving you. Mr. Berkman among other things tried to give you a definition of an Anarchist. You, gentlemen, I assume, don't speak Greek. But he gave you an incorrect translation of the word "Anarche." The word "arche" means government. It does not mean violence. That is not the interpretation. So that the word "Anarchy" instead of meaning "without violence," means "absence, abolition of government," or "chaos," every man to do as he feels like, without regard to the rights of his neighbor, without regard to law and order. That's the true translation of the Greek word "anarche." So, don't be deluded by their contention that government is violence, and that any effort to do away with government is not violence but is something that is done to destroy violence. That is their philosophy. And you had a very excellent sample of it when Mr. Abbott was on the stand and was inquired of as to the tenets of the Ferrer School in New York

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CITY. I didn't bring that out. You gentlemen recall, all this talk about Mr. Francisco Ferrer was brought out over my objection. I had nothing to do with that. I didn't bring out that they were Anarchists. They brought that out themselves when they were examining talesmen. So that Mr. Abbott told you that this school of which he is the noble head, and of which these two defendants have the honor to be founders, teaches young people—think of it!—that they are above the law; teaches them what they call "self-reliance," that is to say, if you feel strong enough to defy a law of your country, why go ahead and defy it; only—be sure that you can get away with it. That is the doctrine of the Ferrer School. I didn't bring that out. They brought it out. And it is perhaps just as well for you, gentlemen, who doubtless have relatives in the public schools of this country, to know that and to consider how this country would succeed if doctrines of that sort were permitted to be promulgated among the young in this society.

Now, gentlemen of the jury, it is part of your province to pass upon the credibility of witnesses and I do not propose to take up your time by referring to each witness. But I shall do somewhat like my adversary. I shall break them off into groups. We first had Miss Fitzgerald who was called as a hostile witness. Miss Fitzgerald told you what the No-Conscription League was. She would not say in so many words that Mr. Berkman and Miss Goldman were prominent members of the league; she would only say that they were the ablest speakers. But what did we elicit from her? We elicited from her that the money with which the so-called league of Emma Goldman, Berkman & Company was run, was supplied by voluntary contributions, some of these contributions being taken up, as you can tell from the minutes read to you, at meetings where poor deluded people put in coppers and nickels and dimes, some as high as a dollar. And this money was taken, and what was done with it? It was placed to Alexander Berkman's credit in the account in his name. And you have in evidence a letter to the bank telling them to do it, and you have the further fact that on the bottom of the form letters contributors are asked to send the money to Berkman and Goldman for obvious reasons, not to the No-Conscription League. So what have you got? You have got the money that is taken for the avowed objects of this movement, put into the personal bank account of Alexander Berkman, mingled with other funds, funds from THE BLAST perhaps, funds perhaps from his writings, if there are any; and checks drawn in common on this fund, no accounting to anybody. If a trustee of any society in the State of New York handled accounts in that way he would be indicted for grand larceny and convicted. So as you examine Government's Exhibits 18 and 19 you have certain

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Graphic Press bills and you have certain other payments, you have some money sent to Robert Minor for the San Francisco defense; and to be sure, they paid \$25 deposit for the Hunts' Point Palace, and some other alleged bills. But you also have such significant items as a bill from a doctor who treated Mr. Berkman's foot.

Now gentlemen of the jury, you may say perhaps they had a right to support themselves because they were engaged in the work and didn't take any specific salary. But I call your attention to the fact that if Anarchy means that you can take poor people's money and mingle it with your own and give no accounting for it and use it for what you please including hotel checks, then I think a lot of us will be turning into Anarchists.

You had a lot of the gentlemen called who testified that they had known Mr. Berkman and Miss Goldman for a long while, that they were very ideal people and had never believed in violence and had always expressed themselves as opposed to violence. You had Mr. John Reed who got 30 days and doesn't know what for in Paterson, who told you in a very calm manner that God knows he was opposed to violence. And then you had Mr. Lincoln Steffens, and you had a psychological lady named Miss Boardman, if I recollect. And you had an Italian gentleman named Mr. Pietro Allegra who spoke at many meetings, and you had Mrs. Sloan, who had a very distinct recollection that Miss Goldman was unalterably opposed to violence. And you had a gentleman who formerly was a lawyer, but doesn't practice any more, Mr. Bolton Hall, who believes in free speech, whether it comes in conflict with the law or not, and he was sure that Miss Goldman was opposed to violence, although he once heard that she served time for unlawful assembly and inciting to riot. Now the theory of all these gentlemen was this: that she could not have used these words. The important part of that May 18th speech is not "We believe in violence and will use violence." The important part is "We will support all those who refuse to be conscripted."

Gentlemen of the jury, the scene in this court has been a quiet one. It has been the aim of the defendants to convey to your mind the impression that it would have been absolutely inconsistent that they should even have advocated such terrible things as they are charged with. Gentlemen of the jury, you have not been at the different mass meetings that I have been compelled to attend. But I think you have a pretty fair picture in your mind. You have at those mass meetings a very different Emma Goldman, for example, than the Emma Goldman who in this court says "Thank you" to witnesses. You have there the emotional Emma Goldman, something as you heard to-day, with all that fiery oratory that makes her so danger-



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ous to the peace and security of the United States. Anybody who underestimates Emma Goldman's oratory, anybody who underestimates Emma Goldman's intellectual qualities is a fool. She is the best speaker that you perhaps ever heard. And that is why her influence is so pernicious.

And the Alexander Berkman you have seen here—how he controlled himself in court! But you got a taste once of his other self: once he lost control of himself and protested against something that was "a damned outrage," as he termed it, but which was really a perfectly proper piece of legal procedure, the offer of something in Miss Goldman's handwriting, and His Honor admitted it. That is the Berkman who speaks at the meetings. Those are the people who are plotting from day to day against the peace and security of the United States and who impose their personalities upon the weak minds of ignorant foreigners who come to this country, come from persecution in Russia, and instead of being taught that they should give credit to this country for freedom of worship, freedom of education, they are taught that they ought to bring about a rebellion against this country, the same as they were taught in Russia to bring about rebellions against the tyrannous rule of the Czar.

Now, gentlemen of the jury, there is another element in this case injected by the defense. It really has nothing to do with the case, but it really calls for some explanation. You have been told by numerous witnesses that the soldiers and the police and the detectives tried to break up the meetings. Now, gentlemen of the jury, that has nothing to do with the question of fact as to whether these people conspired to cause people not to register, to aid and abet those who did not register. But it does show the psychology of the minds of these defendants, and I think it will interest you to bear this point in mind. But before I want to call it to your attention that these people came on the platforms and used expressions and indulged in attacks that they know are calculated to bring about a breach of the peace. They indulged in language that of itself constitutes disorderly conduct because it tends toward a breach of the peace.

Gentlemen of the jury, can you blame these young men in uniform who have enlisted in their country's service, who are ready to lay down their lives in defense of the principles upon which this Government is founded and for which it stands, who have to sit there and listen to people of this kind insult the President of the United States, defy the laws of the United States, desecrate the national emblem and heap ridicule upon the national anthem? Is it any wonder that the bonds of restraint must break when the people of this sort will presume beyond the endurance of a normal, free American citizen?



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There was injected into the evidence something of a personal nature that I am sorry crept in—of course it doesn't make any difference—because it puts my personality in the case, where it doesn't belong. Miss Fitzgerald told you that at the meeting at the Royal Lyceum, on June 11th, Miss Goldmann came out of the hall and told me they were holding up registration cards of men over the conscriptable age; and I told her I had nothing to do with it, that I wasn't the marshal nor a policeman. She did say to me, according to the conceded testimony, "Well, you act like a policeman." Then I replied, "Well, if I were I might lock you up," or something of that sort. Now, that has nothing to do with the case, but it is perfectly apparent that Miss Goldman was trying to get into an argument—because that is their stock in trade, to get the other fellow's goat. And I am sorry to confess that one day they did get my goat and I had to apologize to the Court, because I fell a victim to the snare they had been laying for twenty-five years. They want you to fall for their snare, and then they blame it on you.

Gentlemen of the jury, in conclusion I want to say that this is a representative government. Before a law becomes the final law of the land every citizen through his chosen representative in Congress has the undoubted right to write to his Congressman, to see his Congressman and to take a definite stand on any piece of proposed legislation. Further than that, after a law is passed, if it appears to be a pernicious law every citizen has the undoubted right to urge the repeal of that law. But will you please tell me where in all the literature that has been offered in evidence, in all the speeches that have been offered in evidence, is there one word about proposed repeal of the conscription law? If these meetings were held merely to bring about the repeal of the conscription law, then why don't they say so? Can't you see that these people's object was wilfully to violate a law that was passed? If you don't believe in capital punishment, as you have a right not to believe in it, you have a right to agitate in the State of New York, if you will, for a repeal of the death penalty. If you do believe in the abolition of capital punishment, does that entitle you to go out and tell John Jones to murder somebody? That's a poor way to have a law repealed. That's precisely what these people have done. They don't like the conscription law. They don't like any law. But they are banded together, not to secure the repeal of that law, not to petition Congress in an orderly fashion, but to set themselves and their cohorts above the law of the United States. You were asked, gentlemen of the jury, if you believed in democracy. And every one of you believes in democracy. So does every one in this country believe in democracy. On the field of Gettysburg the immortal Lincoln

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said, "This is a government of the people, by the people and for the people." And so it is. The shadow of the great conflict at Gettysburg has passed off, but to-day this country stands north and south alike united in the defense of our common liberties. It is a government of the people, by the people and for the people. But an orderly government, a government of decent men and organized society, founded upon order and not upon chaos and Anarchy. And I say to you, gentlemen of the jury, that the sort of democracy for which Washington and Jefferson and Madison and Jackson and Lincoln fought and bled, that great democracy, that great orderly republican government must not succumb to and shall not be destroyed by the attacks of people like these two defendants who seek to abolish that very democracy that our forefathers have laid down their lives in defense of. That is the point. Of course we believe in democracy; but we don't propose to have that glorious democracy destroyed by Anarchy and bloodshed and violence.

Now, gentlemen of the jury, this case is an important case. That's doubtless why you have been so patient. It's an important case from the point of view of the defense. Nobody wants to underestimate the importance. But, gentlemen of the jury, this case is very important for the United States of America. As I said before, the Government of the United States is the district in which you participate through your duly constituted representatives. And this case is of prime importance to that Government. Will you by your verdict say that people like these can go forth again, defy our laws, desecrate the Stars and Stripes, make fun of the national anthem and do that with impunity? Urge people wilfully to set themselves above the provisions of a definite law? Aid and abet people who will not register for conscription? Are you by your verdict going to say that to them?

Or rather, gentlemen of the jury, are you going to say this: It has been shown that you two people got together in a common unlawful plan; that the object of your plan was to bring about that young men of conscriptable age should wilfully refuse to register as provided by law, and that you aided and abetted them in their unlawful activities, and that in pursuance of that conspiracy you did many outward acts looking toward the accomplishment of your wicked designs? Are you not rather going to say by your verdict, in these times when men are willing to give their treasure in behalf of those principles for which we all stand, and are willing to lay down their lives in behalf of the nation we love:

Strike till the last armed foe expires!  
Strike for your altars and your fires!  
Strike for the green graves of your sires!  
God and your native land!

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### The Court's Charge

GENTLEMEN OF THE JURY: It is with real sincerity that I express to you my appreciation of the patience that you have displayed throughout this trial, and of the very close and intelligent attention that you have given to the testimony as it was adduced, and to the summing-up of the defendants and of the counsel for the prosecution. It is extremely important to concentrate your minds upon the particular question here involved, arising out of the indictment of these two defendants. They are charged by the grand jury with an offense which I shall more technically define later, which in effect is this: that they have knowingly and wilfully counseled, abetted and aided persons of the so-called "draft age" to violate a statute of the United States, against the peace and dignity of the United States. \* \* \*

This is not a trial of political principles. This cannot be turned into a political or State trial in the political sense. You are not to be misled by any effort to digress your minds from the real issue, which simply is whether these defendants are guilty or not guilty of the crime charged in the indictment. This is not a question of free speech. Free speech is guaranteed to us under the Constitution. No American worthy of the name believes in else than free speech. But free speech means not license, not counseling disobedience of law. Free speech means that frank, fair, full and orderly expression which every man or woman in the land, citizen or alien, may engage in, in lawful and orderly fashion. And that free speech is guaranteed to us, and no court could deny it to anyone.

Prior to the enactment of the so-called selective service law, aptly designated such by the President, on the 18th day of May, 1917, any person could discuss in the fullest manner possible the provisions of the pending legislation. And any person in discussing that legislation could use even the most vehement language and present any and all arguments that seemed to him or to her best. But when that discussion becomes embodied into law, then it becomes the duty of every person living under this Government to obey that law. Individual opinion might still be fully expressed. Proper agitation for repeal might still continue. But the law itself thenceforth must be obeyed. This is a republic founded upon principles of democracy. It can remain a republic only as the law is obeyed. The obedience to law is the fundamental basis of American life. Once that basis disappears or is destroyed, the whole fabric is destroyed and the foundation upon which a government of free men rests, disappears. \* \* \*

I may only say one thing more, concerning which there



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can be little difference of opinion. Whatever may have been the fate of persons of historical note, whether the acts that they committed were within or without the law, is quite immaterial in this case. This is a country of law and order. The law must be obeyed. We are not dealing with a discussion of abstract principles. We are not concerned with the views of the defendants, whether they are right or wrong, on matters foreign to this case. We are only concerned with the evidence in the case. If you believe them guilty beyond a reasonable doubt, it is a matter of no concern to you nor to the court what their views may be. If you believe them not guilty, then equally are we not concerned with their political views.

I repeat in conclusion and lay it upon you most earnestly that this is not a trial of free speech. This is an indictment for crime. And the duty which rests upon you is to determine on the evidence whether or not the defendants are guilty or innocent of the crime charged in the indictment. Much has been said by the defendants and by the counsel for the Government as to what the country may think of your verdict. Gentlemen, we are within the solemn confines of a court. All the country wants from you is a just verdict on the evidence, a verdict that I know you will render, because you have given such close attention. And confining yourselves to that, it is your duty by deliberate consideration to arrive at a conclusion on the evidence and not to permit yourselves, as I am sure you will not, to be diverted into any attack—to make it seem as if any person were here on trial for the expression of opinion. The sole question is, has the Government proved the guilt of the defendants beyond a reasonable doubt? If so, your verdict is guilty. If not, your verdict is not guilty.

### The Verdict

The jury retired at 5:20 and at 6 o'clock returned a verdict of guilty.

EMMA GOLDMAN: We move to set aside the verdict as being against the weight of evidence.

THE COURT: The stenographer may note that the motion is made, with formalities to cover all grounds upon which a motion to set aside a verdict may be made.

EMMA GOLDMAN: I wish to ask that sentence be deferred for a few days and that the present bail be continued meantime, because we want to arrange our affairs, which we have not had time to do during the trial.

THE COURT: The motion to set the verdict aside is denied.

MR. CONTENT: The Government moves for sentence.



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And the Government feels in a case of public importance like this case that the judgment and mandate of the Court should be speedily handed down.

THE CLERK: Alexander Berkman to the bar! Is there any reason why the sentence of the Court should not now be pronounced upon you?

ALEXANDER BERKMAN: Well, I think that it is only fair to suspend sentence to give us a chance to arrange our affairs. And the fundamental reason why sentence should not be pronounced is that we are innocent of the charge and we are convicted as Anarchists, out of prejudice and bitterness. That's all.

THE CLERK: Miss Goldman, have you anything to say why sentence should not be imposed?

EMMA GOLDMAN: I wish to say that the very fact that we are refused to have sentence deferred for several days to arrange our affairs proves that the Court is prejudiced because we are Anarchists; because we were frank and because we stood by our opinions, and because we are going to stand by our opinions.

THE COURT: Gentlemen of the jury, I wish you would remain, for I desire to say before I may forget it that I think the appreciation of the Court and the community is due to you for the fearless and prompt manner in which you have discharged your duty.

It has undoubtedly been a source of regret to the gentlemen of the jury, as it has been to the Court and possibly to those who have sat in the courtroom for these many days, that the extraordinary ability displayed by the defendants has not been utilized in support of law and order. The magnetic power of one of the defendants, if thus utilized, might have been of great service, in forms legitimately advocated, for the betterment of conditions as the world goes on. That power might have been of tremendous service, and more especially among the millions of humbler people who come to our country in an aspiration for liberty. I understand, I think, what has been spoken of as the psychology of the defendants, and I am quite sure that they understand what might be called the psychology of the Court. We do represent the existing order of things, in-so-far as that means that progress must be accomplished in this country by lawful means. We regard as enemies of the Government in the most serious sense of that term those who advocate the abolition of this Government, those who counsel disobedience to our laws and those who induce the less strong-minded to disobey our laws. These may be very old and to some very tiresome sentiments. But they are the sentiments

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that from our point of view have become a part of our lives, won at great expense by the Revolutionary Fathers, by the men who fought in the great civil conflict and by the men who now are willing to stand by their country when their country needs them.

We have no place in this country for those who express the view that the law may be disobeyed in accordance with the thoughts of an individual. I am expressing not my view alone, I am expressing the view of what we in America understand to be the views of a true democracy and a true republic. The Government has thus far enacted no special statute to deal with those who counsel disobedience and who advise insurrection; who seek to reach and control the humbler people, some of whom don't understand things, by methods such as were disclosed in this case. And I desire, so far as I am concerned, that my words shall be perfectly understood, not merely by those who are here but by anyone else who has in his mind that he is stronger than the law. It makes very little difference what becomes of a single administrator of the law, whether he be officer, marshal, district attorney or judge. They come and go. But in this country the law is an imperishable thing that lives forever. And it merely uses for the moment as its administrators some human beings who may at any time give way to others. And so, when I impose this sentence I am imposing it on the one hand with regret that these abilities were not better used. I impose it on the other hand with profound conviction that I am speaking for organized law, for the kind of liberty that we know and we understand, who have been privileged to live in this country that we believe is a true democracy. The maximum sentence under the statute is two years and \$10,000 fine. I sentence the defendant Alexander Berkman to the United States penitentiary in Atlanta for two years and fine him the sum of \$10,000.

I sentence the defendant Emma Goldman to the State penitentiary at Jefferson City, Mo., for two years and fine her the sum of \$10,000.

I further direct the District Attorney under the provisions of the immigration act to forward to the Commissioner of Labor the record of this conviction, in order to determine in due course whether or not either or both of the defendants are subject to the provisions as to deportation provided in that act. That is a matter which is under the statute, an administrative matter for the Commissioner of Labor. And the District Attorney is directed to forward the record of this conviction to the Commissioner of Labor.

The Court is now adjourned without day.

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EMMA GOLDMAN: Just one moment, please. We wish to ask—as we intend to appeal the case—whether we may have time to consult with counsel and to proceed with the preparation of the appeal.

THE COURT: Under our rule you have ninety days within which to sue out a writ of error. And in order that there may be no mistake or confusion on the subject, the stenographer will note that the defendants may have ninety days within which to sue out a writ of error.

EMMA GOLDMAN: We should however like to know more specifically whether we may, after we are taken away from here, consult regarding the appeal or whether we are to be spirited away in a speedy manner. We would like to know that, to be quite clear where we stand.

THE COURT: The fullest opportunity within the ninety days will be given to the defendants to consult counsel and prepare their assignments of error and their writ of error. If in the course of that period there is no such opportunity; the defendants can address a communication to the Court and the Court will see that such an opportunity is afforded them. As a matter of fact, such opportunity is your right at any time within ninety days.

EMMA GOLDMAN: May I just ask what the procedure is, regarding whether we can now—I mean within the next hour or two—consult with counsel about our appeal? We ought to know that.

THE COURT: The custody of the defendants is with the Marshal, and the Marshal will attend to the matter referred to. Court is now adjourned.

EMMA GOLDMAN: I wish to thank the Court for the marvelous fair trial we have received. History will record, Your Honor, that two people asked for an adjournment, or rather deferring of sentence, of two days to arrange their affairs, and yet the Court considered them so dangerous to the United States that it would not even give them two days—which are given to the most heinous criminal. Thank you very much.

Notwithstanding the Judge's statement that it was the defendants' right to have ninety days in which to prepare their appeal, Emma Goldman and Alexander Berkman were taken away from New York on the same evening and rushed, on midnight trains, to the penitentiaries at Jefferson City, Mo., and Atlanta, Ga.



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### Testimony for the Defense

During the examination of the numerous witnesses for the defense, excerpts from various essays and articles, written by Alexander Berkman and Emma Goldman, were read by them to the jury for the purpose of clarifying their attitude on Anarchism and related subjects. Among the matter read was the following:

#### PREPAREDNESS: THE ROAD TO UNIVERSAL SLAUGHTER

[Read by Emma Goldman, from her pamphlet on Preparedness]

With the cunning methods used by the scheming diplomats and military cliques of Germany to saddle the masses with Prussian militarism, the American military ring with its Roosevelts, its Garrisons, its Daniels, and lastly its Wilsons, are moving the very heavens to place the militaristic heel upon the necks of the American people, and, if successful, will hurl America into the storm of blood and tears now devastating the countries of Europe.

Forty years ago Germany proclaimed the slogan: "Germany above everything. Germany for the Germans, first, last and always. We want peace; therefore we must prepare for war. Only a well armed and thoroughly prepared nation can maintain peace, can command respect, can be sure of its national integrity." And Germany began to prepare, thereby forcing the other nations to do the same. The terrible European war is only the culminating fruition of the hydra-headed gospel—military preparedness.

Since the war began, miles of paper and oceans of ink have been used to prove the barbarity, the cruelty, the oppression of Prussian militarism. Conservatives and radicals alike are giving their support to the Allies for no other reason than to help crush that militarism, in the presence of which, they say, there can be no peace or progress in Europe. But though America grows fat on the manufacture of munitions and war loans to the Allies to help crush Prussianism, the same cry is now being raised in America which, if carried into national action, would build up an American militarism far more terrible than German or Prussian militarism could ever be, and that because nowhere in the world has capitalism become so brazen in its greed and nowhere is the State so ready to kneel at the feet of capital.

The very proclaimers of "America first" have long before this betrayed the fundamental principles of real Americanism, of the kind of Americanism that Jefferson had in mind when he said that the best government is that which governs least; the kind of Americanism that David Thoreau worked for when he proclaimed that the best government is the one that doesn't govern at all; or the other truly great Americans who aimed to make of this country a haven of refuge, who hoped that all the disinherited and oppressed people in coming to these shores would give character, quality and meaning to the country. That is not the America of the politician and munition speculators. Their America is powerfully portrayed in the idea of a young New York sculptor I know: a hard cruel hand with long, lean, merciless fingers crushing in over the heart of the immigrant, squeezing out its blood in order to coin dollars and give the foreigner blighted hopes and stulted aspirations instead.

No doubt Woodrow Wilson has reason to defend these institutions. But what an ideal to hold out to the young generation! How is a military drilled and trained people to defend freedom, peace and happiness? This is what Major General O'Ryan has to say of an efficiently trained generation:



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"The soldier must be so trained that he becomes a mere automaton; he must be so trained that it will destroy his initiative; he must be so trained that he is turned into a machine. The soldier must be forced into the military noose; he must be jacked up; he must be ruled by his superiors with pistol in hand."

This was not said by a Prussian Junker; not by a German barbarian; not by Treitschke or Bernhardt, but by an American Major General. And he is right. You cannot conduct war with equals; you cannot have militarism with free born men; you must have slaves, automatons, machines, obedient disciplined creatures, who will move, act, shoot and kill at the command of their superiors. That is preparedness, and nothing else.

I am no more pro-German than pro-Ally. As an Anarchist I refute both, as the "two thieves who are too cowardly to fight." Hence they force the people to do their criminal deed, hence they sacrifice "the boys from every village, hamlet and town."

That which has driven the masses of Europe into the trenches and to the battlefields is not their inner longing for war; it must be traced to the cut-throat competition for military equipment for more efficient armies, for larger warships, for more powerful cannon. You cannot build up a standing army and then throw it back into a box like tin soldiers. Armies equipped to the teeth with weapons, with highly developed instruments of murder and backed by the military interests, have their own dynamic functions. We have but to examine into the nature of militarism to realize the truism of this contention.

Militarism consumes the strongest and most productive elements of each nation. Militarism swallows the largest part of the national revenue. Almost nothing is spent on education, art, literature and science, compared with the amount devoted to militarism in times of peace, while in times of war everything else is set at naught; all life stagnates, all effort is curtailed; the very sweat and blood of the masses are used to feed this insatiable monster—militarism. Under such circumstances, it must become more arrogant, more aggressive, more bloated with its own importance. If for no other reason, it is out of surplus energy that militarism must act to remain alive; therefore it will seek an enemy or create one artificially. In this civilized purpose and method, militarism is sustained by the State, protected by the laws of the land, is fostered by the home and the school, and glorified by public opinion. In other words, the function of militarism is to kill. It cannot live except through murder.

But the most dominant factor of military preparedness and the one which inevitably leads to war, is the creation of group interests, which consciously and deliberately work for the increase of armament whose purposes are furthered by creating the war hysteria. This group interest embraces all those engaged in the manufacture and sale of munition and in military equipment for personal gain and profit. The family Krupp, for instance, which owns the largest cannon munition plant in the world; its sinister influence in Germany, and in fact in many other countries, extends to the press, the school, the church and to statesmen of highest rank. Shortly before the war, Carl Liebknecht, one of the few brave public men in Germany now, brought to the attention of the Reichstag that the family Krupp had in its employ officials of the highest military position, not only in Germany, but in France and in other countries. Everywhere its emissaries have been

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at work, systematically inciting national hatred and antagonisms; creating invasion hysteria.

It is not at all unlikely that the history of the present war will trace its origin to the same international murder trust. But is it always necessary for one generation to wade through oceans of blood and heap up mountains of human sacrifice that the next generation may learn a grain of truth from it all? Can we of to-day not profit by the cause which led to the European war, can we not learn that it was preparedness, thorough and efficient preparedness on the part of Germany and the other countries for military aggrandizement and material gain; above all can we not realize that preparedness in America must and will lead to the same result, the same barbarity, the same senseless sacrifice of life? Is America to follow suit, is it to be turned over to the American Krupps, the American military cliques? It almost seems so when one hears the jingo howls of the press, the blood and thunder tirades of the bully Roosevelt, the sentimental twaddle of our college-bred President.

The more reason for those who still have a spark of libertarianism and humanity left to cry out against this great crime, against the outrage now being prepared and imposed upon the American people. It is not enough to claim being neutral; a neutrality which sheds crocodile tears with one eye and keeps the other riveted upon the profits from war supplies and war loans, is not neutrality. It is a hypocritical cloak to cover the country's crimes. Nor is it enough to join the bourgeois pacifists who proclaim peace among the nations while helping to perpetuate the war among the classes, a war which, in reality, is at the bottom of all other wars.

It is this war of the classes that we must concentrate upon, and in that connection the war against false values, against evil institutions, against all social atrocities. Those who appreciate the urgent need of co-operating in great struggles must oppose military preparedness imposed by the State and capitalism for the destruction of the masses. They must organize the preparedness of the masses for the overthrow of both capitalism and the State. Industrial and economic preparedness is what the workers need. That alone leads to revolution at the bottom as against mass destruction from on top. That alone leads to true internationalism of labor against Kaiserdom, Kingdom, diplomacies, military cliques and bureaucracy. That alone will give the people the means to take their children out of the slums, out of the sweat shops and the cotton mills. That alone will enable them to inculcate in the coming generation a new ideal of brotherhood, to rear them in play and song and beauty; to bring up men and women, not automatons. That alone will enable woman to become the real mother of the race, who will give to the world creative men, and not soldiers who destroy. That alone leads to economic and social freedom, and does away with all wars, all crimes, and all injustice.

### THE PSYCHOLOGY OF POLITICAL VIOLENCE

[Read by Emma Goldman, from her pamphlet bearing the same title]

Björnsterne Björnson, in the second part of *Beyond Human Power*, emphasizes the fact that it is among the Anarchists that we must look for the modern martyrs who pay for their faith with their blood, and who welcome death with a smile, because they believe, as truly as Christ did, that their martyrdom will redeem humanity.

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"There is a truism that the man in the street seems always to forget, when he is abusing the Anarchists, or whatever party happens to be his *bête noire* for the moment, as the cause of some outrage just perpetrated. This indisputable fact is that homicidal outrages have, from time immemorial, been the reply of goaded and desperate classes, and goaded and desperate individuals, to wrongs from their fellow-men, which they felt to be intolerable. Such acts are the violent recoil from violence, whether aggressive or repressive; they are the last desperate struggle of outraged and exasperated human nature for breathing space and life. And their cause lies not in any special conviction, but in the depths of that human nature itself. The whole course of history, political and social, is strewn with evidence of this fact. To go no further, take the three most notorious examples of political parties goaded into violence during the last fifty years: the Mazzinians in Italy, the Fenians, in Ireland, and the Terrorists in Russia. Were these people Anarchists? No. Did they all three even hold the same political opinions? No. The Mazzinians were Republicans, the Fenians political separatists, the Russians Social Democrats or Constitutionalists. But all were driven by desperate circumstances into this terrible form of revolt. And when we turn from parties to individuals who have acted in like manner, we stand appalled by the number of human beings goaded and driven by sheer desperation into conduct obviously violently opposed to their social instincts.

Now that Anarchism has become a living force in society, such deeds have been sometimes committed by Anarchists, as well as by others. For no new faith, even the most essentially peaceable and humane the mind of man has yet accepted, but at its first coming has brought upon earth not peace, but a sword; not because of anything violent or anti-social in the doctrine itself; simply because of the ferment any new and creative idea excites in men's minds, whether they accept or reject it. And a conception of Anarchism, which, on one hand, threatens every vested interest, and, on the other, holds out a vision of a free and noble life to be won by a struggle against existing wrongs, is certain to rouse the fiercest opposition, and bring the whole repressive force of ancient evil into violent contact with the tumultuous outburst of a new hope.

Under miserable conditions of life, any vision of the possibility of better things makes the present misery more intolerable, and spurs those who suffer to the most energetic struggles to improve their lot, and if these struggles only immediately result in sharper misery, the outcome is sheer desperation. In our present society, for instance, an exploited wage worker, who catches a glimpse of what work and life might and ought to be, finds the toilsome routine and the squalor of his existence almost intolerable; and even when he has the resolution and courage to continue steadily working his best, and waiting until new ideas have so permeated society as to pave the way for better times, the mere fact that he has such ideas and tries to spread them, brings him into difficulties with his employers. How many thousands of Socialists, and above all Anarchists, have lost work and even the chance of work, solely on the ground of their opinions! It is only the specially gifted craftsman, who, if he be a zealous propagandist, can hope to retain permanent employment. And what happens to a man with his brain working actively with a ferment of new ideas, with a vision before his eyes of a new hope dawning for toiling and agonizing men, with the knowledge that his suffering and that of his fellows in misery is not caused

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by the cruelty of fate, but by the injustice of other human beings,—what happens to such a man when he sees those dear to him starving, when he himself is starved? Some natures in such a plight, and those by no means the least social or the least sensitive, will become violent, and will even feel that their violence is social and not anti-social, that in striking when and how they can, they are striking, not for themselves, but for human nature, outraged and despoiled in their persons and in those of their fellow sufferers. And are we, who ourselves are not in this horrible predicament, to stand by and coldly condemn these piteous victims of the Furies and Fates? Are we to decry as miscreants these human beings who act with heroic self-devotion, sacrificing their lives in protest, where less social and less energetic natures would lie down and grovel in abject submission to injustice and wrong? Are we to join the ignorant and brutal outcry which stigmatizes such men as monsters of wickedness, gratuitously running amuck in a harmonious and innocently peaceful society? No! We hate murder with a hatred that may seem absurdly exaggerated to apologists for Matabele massacres, to callous acquiescers in hangings and bombardments, but we decline in such cases of homicide, or attempted homicide, as those of which we are treating, to be guilty of the cruel injustice of flinging the whole responsibility of the deed upon the immediate perpetrator. The guilt of these homicides lies upon every man and woman who, intentionally or by cold indifference, helps to keep up social conditions that drive human beings to despair. The man who flings his whole life into the attempt at the cost of his own life, to protest against the wrongs of his fellow-men, is a saint compared to the active and passive upholders of cruelty and injustice, even if his protest destroy other lives besides his own. Let him who is without sin in society cast the first stone at such a one."

That every act of political violence should nowadays be attributed to Anarchists is not at all surprising. Yet it is a fact known to almost everyone familiar with the Anarchist movement that a great number of acts, for which Anarchists had to suffer, either originated with the capitalist press or were instigated, ~~if~~ not directly perpetrated, by the police.

For a number of years acts of violence had been committed in Spain, for which the Anarchists were held responsible, hounded like wild beasts, and thrown into prison. Later it was disclosed that the perpetrators of these acts were not Anarchists, but members of the police department. The scandal became so widespread that the conservative Spanish papers demanded the apprehension and punishment of the gang-leader, Juan Rull, who was subsequently condemned to death and executed. The sensational evidence, brought to light during the trial, forced Police Inspector Memento to exonerate completely the Anarchists from any connection with the acts committed during a long period. This resulted in the dismissal of a number of police officials, among them Inspector Tressols, who, in revenge, disclosed the fact that behind the gang of police bomb-throwers were others of far higher position, who provided them with funds and protected them.

"Repression, tyranny, and indiscriminate punishment of innocent men have been the watchwords of the government of the alien domination in India ever since we began the commercial boycott of English goods. The tiger qualities of the British are much in evidence now in India. They think that by the strength of the sword they will keep down India! It is



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this arrogance that has brought about the bomb, and the more they tyrannize over a helpless and unarmed people, the more terrorism will grow. We may deprecate terrorism as outlandish and foreign to our culture, but it is inevitable as long as this tyranny continues, for it is not the terrorists that are to be blamed, but the tyrants who are responsible for it. It is the only resource for a helpless and unarmed people when brought to the verge of despair. It is never criminal on their part. The crime lies with the tyrant."

\* \* \* \* \*

Even conservative scientists are beginning to realize that heredity is not the sole factor moulding human character. Climate, food, occupation; nay, color, light, and sound must be considered in the study of human psychology.

If that be true, how much more correct is the contention that great social abuses will and must influence different minds and temperaments in a different way. And how utterly fallacious the stereotyped notion that the teachings of Anarchism, or certain exponents of these teachings, are responsible for the acts of political violence.

Anarchism, more than any other social theory, values human life above things. All Anarchists agree with Tolstoy in this fundamental truth: if the production of any commodity necessitates the sacrifice of human life, society should do without that commodity, but it cannot do without that life. That, however, nowise indicates that Anarchism teaches submission. How can it, when it knows that all suffering, all misery, all ills, result from the evil of submission?

Has not some American ancestor said, many years ago, that resistance to tyranny is obedience to God? And he was not an Anarchist even. I would say that resistance to tyranny is man's highest ideal. So long as tyranny exists, in whatever form, man's deepest aspiration must resist it as inevitably as man must breathe.

Compared with the wholesale violence of capital and government, political acts of violence are but a drop in the ocean. That so few resist is the strongest proof how terrible must be the conflict between their souls and unbearable social iniquities.

High strung, like a violin, they weep and moan for life, so relentless, so cruel, so terribly inhuman. In a desperate moment the string breaks. Untuned ears hear nothing but discord. But those who feel the agonized cry understand its harmony; they hear in it the fulfillment of the most compelling moment of human nature.

Such is the psychology of political violence.

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### ASPIRATIONS OF THE BLAST

[Read by Alexander Berkman, from THE BLAST, Vol. 1, No. 2]

THE BLAST is not a decent, respectable paper. Decency and Respectability—Mother Grundy's bastard twins—change, like the fashions, with age, country and climate, mostly without rhyme or reason.

If you are a sissified mollicoddle of the good old kind that would put draping around a piano leg and go to bed in a night cap, drop this paper right now. It will surely shock you: for the truth is stark naked.

It is said: "The truth shall make you free." So it shall. But the truth is not a nugget found by luck. He who diligently searches will find grains of it now and then.

THE BLAST preaches no dogma. Its mission is more revolutionary: to arouse independence of feeling, thought and action, without which there is no road to human freedom.

Freedom is primarily a state of mind. It can neither be chained in a dungeon nor heralded from the throne. There is no royal road to it, though the pathways are many. THE BLAST proposes to discuss them.

Any man or movement enlisted in the battle for the right of the worker to the Earth and the fulness thereof will find in THE BLAST a fighting friend, regardless of regimental insignia.

THE BLAST has no time to split hairs over policies.

If an institution has the elements of slavery within it, we shall grill it, no matter how respectably moss-grown it has become with age.

If THE BLAST can aid in sweeping away the cobwebs of tradition, and call to life the vision of a better, freer world, without oppression and legalized theft, without soldiers and bloodshed, without priests and superstitions, without politicians and graft, plutocrats and paupers, we shall not have worked in vain.

We know our limitations.

We are not profound philosophers. Hence we refuse to be slaves to consistency.

We are not learned scholars. Therefore faulty rhetoric will not freeze the blood in our veins.

We are free from the blight of professional journalism. We shall not worry ourselves to death about style.

We are but workers with a passion for Freedom and with the determination to express it in the face of all difficulty and danger.

If you are with us, now is the time to prove your interest and solidarity.

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### VIOLENCE AND ANARCHISM

[Read by Alexander Berkman, from his article published in *THE BLAST*, Vol. I, No. 17]

It is growing rather monotonous to hear the cry of "Anarchist conspiracy" raised whenever and wherever there happens an "unlawful" shot or bomb explosion.

Let us consider the matter dispassionately. Is violence specifically Anarchistic? Is the taking of human life such a very unusual occurrence among "civilized" peoples? Is our whole social existence anything but an uninterrupted series of murder, assassination, mutilation? All our honored institutions are rooted in the very spirit of murder. Do we build warships for educational purposes? Is the army a Sunday school? Our police, jails and penitentiaries—what purpose do they serve but to suppress, kill and maim? Is the gallows the symbol of our brotherhood, the electric chair the proof of our humanitarianism?

"All these things are necessary evils," we are told by the self-satisfied. True, they are necessary; necessary to preserve society as it is. But has it ever occurred to the "good citizen" whether it is really necessary to preserve things as they are? Is it indeed worth while?

Organized society can have but one *raison d'être*; namely, the greatest good of its members. Let us examine, then, whether society, as at present constituted, can be justly said to fulfill its mission.

No life, individual or collective, is possible without the means of subsistence. The social members supplying these means are, consequently, the life-givers of the community. And who are they? The question answers itself automatically: the producers of the country's wealth are the conservators of its life. All members and classes of society should equally benefit by the fact of our combined effort as a society. But if, for any reason, distinctions are to be made, the producing class, the real backbone of the social body, should have the preference.

In other words, the workers are the ones who should enjoy the greatest benefits arising from social organization. That is the true mission of human society. Does the latter accomplish it? Does it come anywhere near accomplishment?

By no means. The producers are the very ones on whose shoulders rests the whole burden of our social evils. They are the disinherited, the submerged. The products of their toil are the property of some one else; the land and machinery, without which no production is possible, are not owned by them; as a result, they are forced to sell their labor for whatever pittance the employers condescend to give. Hence poverty, starvation, and widespread misery among the very class which, as the sole producer, has the best claim to enjoy the blessings of organized social life.

To support, defend and perpetuate these unjust and terrible conditions it is necessary to have police, prisons, laws and government. For the disinherited are not content to forever starve in the midst of plenty, and the exploited are beginning to cry out against their cruel bondage.

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These cries, these signs of rebellious dissatisfaction must be smothered. That is the mission of law and government: to preserve things as they are; to secure to the rich their stolen wealth; to strangle the voice of popular discontent.

Such is the social life of "civilized" countries. A life of misery and degradation, of economic exploitation, governmental suppression, legal brutality and judicial murder. Sham, injustice and tyranny are the synonyms of organized society. Shall we preserve it as it is? Is it necessary and desirable? Is it even possible?

"But you can't regenerate society by violence, by a bomb," the well-meaning people argue.

Indeed, full well we know we cannot. Be fair; give ear. Do not confound the philosophy of a better, freer and happier life with an act resulting from the very evils which that philosophy seeks to abolish.

Anarchism is the science of social order, as opposed to existing disorder; of brotherhood, as against present Ishmaelitism; of individual liberty and well-being, as opposed to legal oppression, robbery and universal misery.

This condition of social regeneration cannot be achieved by the will or act of any man or party. The enlightenment of the workers regarding the evils of wage slavery, the awakening of the public conscience to a clearer understanding of liberty and justice—these are the forces which will abolish all forms of bondage, political, economical and social, replacing present institutions by free co-operation and the solidarity of communal effort.

"But the bomb?" cry the judges in and out of court. The bomb is the echo of your cannon, trained upon our starving brothers; it is the cry of the murdered striker; 'tis the voice of hungry women and children; the shriek of the maimed and torn in your industrial slaughter houses; it is the dull thud of the policeman's club upon a defenseless head; 'tis the shadow of the crisis, the rumbling of suppressed earthquake—it is Desperation's lightning out of an atmosphere of degradation and misery that king, president and plutocrat have heaped upon humanity. *The bomb is the ghost of your past crimes.*

You may foam and legislate, arrest, imprison and deport. You may still further tighten the thumb-screws of persecution, erect more gallows, and build electric chairs. Pitiful fools! Thus was Christ crucified as a disturber of "Caesar's peace." Did Golgotha suppress his teaching? Have the unspeakable tortures of the Inquisition eradicated free thought? Did Louis XVI save his crown—or his head—by *lettre de cachet*? Has the cause of the Abolitionists been defeated by the judicial murder of John Brown?

"Our graves will speak louder than the voices you strangle!" In spite of all the strenuous governmental, capitalistic and journalistic efforts to misrepresent and suppress Anarchists and Anarchism—because of those efforts—the people will yet learn the truth.



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## A New Declaration of Independence

[Read by Emma Goldman, from her essay in MOTHER EARTH, Vol. IV., 1909-10]

When, in the course of human development, existing institutions prove inadequate to the needs of man, when they serve merely to enslave, rob, and oppress mankind, the people have the eternal right to rebel against, and overthrow, these institutions.

The mere fact that these forces—inimical to life, liberty, and the pursuit of happiness—are legalized by statute laws, sanctified by divine rights, and enforced by political power, in no way justifies their continued existence.

We hold these truths to be self-evident: that all human beings, irrespective of race, color, or sex, are born with the equal right to share at the table of life; that to secure this right there must be established among men economic, social, and political freedom; we hold further that government exists but to maintain special privilege and property rights; that it coerces man into submission and therefore robs him of dignity, self-respect, and life.

The history of the American kings of capital and authority is the history of repeated crimes, injustices, oppression, outrage, and abuse, all aiming at the suppression of individual liberties and the exploitation of the people. A vast country, rich enough to supply all her children with all possible comforts, and insure well-being to all, is in the hands of a few, while the nameless millions are at the mercy of ruthless wealth gatherers, unscrupulous law-makers, and corrupt politicians. Sturdy sons of America are forced to tramp the country in a fruitless search for bread, and many of her daughters are driven into the street, while thousands of tender children are daily sacrificed on the altar of Mammon. The reign of these kings is holding mankind in slavery, perpetuating poverty and disease, maintaining crime and corruption; it is fettering the spirit of liberty, throttling the voice of justice, and degrading and oppressing humanity. It is engaged in continual war and slaughter, devastating the country and destroying the best and finest qualities of man; it nurtures superstition and ignorance, sows prejudice and strife, and turns the human family into a camp of Ishmaelites.

We, therefore, the liberty-loving men and women, realizing the great injustice and brutality of this state of affairs, earnestly and boldly do hereby declare, That each and every individual is and ought to be free to own himself and to enjoy the full fruit of his labor; that man is absolved from all allegiance to the kings of authority and capital; that he has, by the very fact of his being, free access to the land and all means of production, and entire liberty of disposing of the fruits of his efforts; that each and every individual has the unquestionable and unabridgeable right of free and voluntary association with other equally sovereign individuals for economic, political, social, and all other purposes, and that to achieve this end man must emancipate himself from the sacredness of property, the respect for man-made law, the fear of the Church, the cowardice of public opinion, the stupid arrogance of national, racial, religious, and sex superiority, and from the narrow puritanical conception of human life. And for the support of this Declaration, and with a firm reliance on the harmonious blending of man's social and individual tendencies, the lovers of liberty joyfully consecrate their uncompromising devotion, their energy and intelligence, their solidarity and their lives.

## The Emma Goldman Papers

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The open-minded reader who devotes an hour or more to a perusal of "Anarchism and Other Essays," by Emma Goldman, will put down the book with a new respect for the author and perhaps also with some measure of respect for certain of her doctrines.—Baltimore Sun.

Few people in this country outside democratic politics would recognize the name of Emma Goldman, or be able to give an application if it were mentioned to them. Yet for good or ill Emma Goldman is likely to influence the future of the United States a great deal more than policy Mr. Roosevelt or stout Mr. Taft. For twenty years she has been the prophetic voice of revolt throughout the United States.—London (Eng.) Chronicle.

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Every thoughtful person ought to read this volume of papers by the foremost American Anarchist. In whatever way the book may modify or strengthen the opinion already held by its readers, there is no doubt that a careful reading of it will tend to bring about greater social sympathy. It will help the public to understand a group of serious-minded and morally strenuous individuals, and also to feel the spirit that underlies the most radical tendencies of the great labor movement of our day.—Hutchins Haggood in The Bookman.

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Obtained from the Immigration and Naturalization Service via FOIA.

Summary: The Department of Justice submits excerpts from Goldman's pamphlet, "Trial and Speeches of Alexander Berkman and Emma Goldman," at her deportation hearing.

Notes: Submitted as Exhibit N at Goldman's deportation hearing, see 830214027. Submitted as Exhibit R in the Department of Justice's November 1919 report on their investigation of anarchists, see 810206085.

*Exhibit H*

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## The Emma Goldman Papers

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### A TRIBUTE

Emma Goldman and Alexander Berkman  
Are in prison,

Although the night is tremblingly beautiful

And the sound of water climbs down the rocks

And the breath of the night air moves through multitudes and  
multitudes of leaves

That love to waste themselves for the sake of the summer.

Emma Goldman and Alexander Berkman

Are in prison tonight,

But they have made themselves elemental forces,

Like the water that climbs down the rocks:

Like the wind in the leaves:

Like the gentle night that holds us:

They are working on our destinies:

They are forging the love of the nations:

.....

Tonight they lie in prison.

JOSEPHINE BELL

(From *The Masses*, Aug., 1917)

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Tell all friends that we will not waver, that we will not compromise, and that if the worst comes, we shall go to prison in the proud consciousness that we have remained faithful to the spirit of internationalism and to the solidarity of all the people of the world.

EMMA GOLDMAN

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Justice walks with leaden feet and has lost her way and cannot find many of the court-rooms of America.

Ideals cannot be killed by imprisoning idealists. You cannot stop ideas as long as one brain continues to function. Governments, Churches, Judges, and Jailors have tried it as far back as the memory or records of men go. But never have they been able fully to subdue the spirit of man. Ideas are contagious, and crushed to earth, spread over it.

Liberty is never a gift. It is always a purchase, and the price is blood and tears, happiness and the personal liberty of the individual purchaser. Liberty has always been the great temptation for idealists.

We are all walking in the shadow of war. Most of us, however, have our eyes on the stars of peace and liberty, and because a few are articulate, expressing our hopes and desires, Judges are sending them to the penitentiary, to the workhouse, fining them, taking their property, and even ordering them deported to Russia, the new home of democracy. If Christ gave out "The Sermon on the Mount," he would go to the workhouse for six months.

Are some of our courts the new Bastiles, with petty Judges as the wardens? Judges with the dust of dead laws and dead theories in their eyes and mouths and brains are stamping out free speech, are trying to shackle the brave spirits of those who see that the faults of liberty can only be cured by more liberty.

HARRY WEINBERGER

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here is, have we got free speech and liberty of expression in this country, or not. That is the real question, over and above this indictment, over and above all the fool things that have been said by the District Attorney. It is up to you, as representing, on this occasion, the American people, it is up to you as the jury in this case to tell the world by your verdict whether you believe that free speech is necessary and sacred, or whether you believe that your forefathers, the founders of this Republic, sacrificed their lives in vain, and that we should throw on the dunghill all those things for which they fought, for which people have bled, for which the martyrs of all countries have died: Free speech and liberty of expression and freedom of conscience. That is, that will be, the meaning of your verdict. It is not a question of a few years in prison. It is not a question of conspiracy or registration. Will you say by your verdict that people shall not talk in this country, that people shall not think, that people shall not dare express an opinion? And if you say "We have war," I say to you, because of the war it is necessary for you to show that we do have liberty, that we do have some democracy here. Why, yes, the war, you say, is for the very purpose of carrying democracy and liberty to Europe. Will you proclaim to the world that you who carry liberty and democracy to Europe have no liberty here, that you who are fighting for democracy in Germany, suppress democracy right here in New York, in the United States? Are you going to suppress free speech and liberty in this country, and still pretend that you love liberty so much that you will fight for it five thousand miles away? Charity begins at home, gentlemen of the jury. Liberty begins at home. That is where you begin right now, to-day, to show that you stand for liberty. We have spoken for liberty all our lives. Now *you* are put to the test as men who believe in liberty; you are put to the test. It is for you to show whether you believe in liberty. And let me tell you, whether you think that we are right or whether we are wrong, one thing you know: the spirit that animates this woman, the spirit that animates these defendants, is the spirit that has in the past emancipated the bondman. It is the spirit that will in the future emancipate the slave from his slavery, the tyrant from his tyranny; the spirit that will abolish war, make us all brothers of one family, without the evils and crimes that darken the world to-day, without oppression and monopoly, and make the world a fit place to live in, with a real motto, actually applied: Liberty for all, well-being for every one, and happiness for humanity.

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### Emma Goldman's Address to the Jury

#### GENTLEMEN OF THE JURY:

As in the case of my co-defendant, Alexander Berkman, this is also the first time in my life I have ever addressed a jury. I once had occasion to speak to three judges.

On the day after our arrest it was given out by the U. S. Marshal and the District Attorney's office that the "big fish" of the No-Conscription activities had been caught, and that there would be no more trouble-makers and disturbers to interfere with the highly democratic effort of the Government to conscript its young manhood for the European slaughter. What a pity that the faithful servants of the Government, personified in the U. S. Marshal and the District Attorney, should have used such a weak and flimsy net for their big catch. The moment the anglers pulled their heavily laden net ashore, it broke, and all the labor was so much wasted energy.

The methods employed by Marshal McCarthy and his hosts of heroic warriors were sensational enough to satisfy the famous circus men, Barnum & Baily. A dozen or more heroes dashing up two flights of stairs, prepared to stake their lives for their country, only to discover the two dangerous disturbers and trouble-makers, Alexander Berkman and Emma Goldman, in their separate offices, quietly at work at their desks, wielding not a sword, nor a gun or a bomb, but merely their pens! Verily, it required courage to catch such big fish.

To be sure, two officers equipped with a warrant would have sufficed to carry out the business of arresting the defendants Alexander Berkman and Emma Goldman. Even the police know that neither of them is in the habit of running away or hiding under the bed. But the farce-comedy had to be properly staged if the Marshal and the District Attorney were to earn immortality. Hence the sensational arrest; hence, also, the raid upon the offices of THE BLAST, MOTHER EARTH and the No-Conscription League.

In their zeal to save the country from the trouble-makers, the Marshal and his helpers did not even consider it necessary to produce a search warrant. After all, what matters a mere scrap of paper when one is called upon to raid the offices of Anarchists! Of what consequence is the sanctity of property, the right of privacy, to officials in their dealings with Anarchists! In our day of military training for battle, an Anarchist office is an appropriate camping ground. Would the gentlemen who came with Marshal McCarthy have dared to go into the offices of Morgan, or Rockefeller, or of any of those men without a search warrant? They never showed us the search warrant, although we asked them for it. Nevertheless,

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EMMA GOLDMAN

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ALEXANDER BERKMAN

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they turned our office into a battlefield, so that when they were though with it, it looked like invaded Belgium, with the only difference that the invaders were not Prussian barbarians but good American patriots bent on making New York safe for democracy.

The stage having been appropriately set for the three-act comedy, and the first act successfully played by carrying off the villains in a madly dashing automobile—which broke every traffic regulation and barely escaped crushing every one in its way—the second act proved even more ludicrous. Fifty thousand dollars bail was demanded, and real estate refused when offered by a man whose property is rated at three hundred thousand dollars, and that after the District Attorney had considered and, in fact, promised to accept the property for one of the defendants, Alexander Berkman, thus breaking every right guaranteed even to the most heinous criminal.

Finally the third act, played by the Government in this court during the last week. The pity of it is that the prosecution knows so little of dramatic construction, else it would have equipped itself with better dramatic material to sustain the continuity of the play. As it was, the third act fell flat, utterly, and presents the question, Why such a tempest in a teapot?

Gentlemen of the jury, my comrade and co-defendant having carefully and thoroughly gone into the evidence presented by the prosecution, and having demonstrated its entire failure to prove the charge of conspiracy or any overt acts to carry out that conspiracy, I shall not impose upon your patience by going over the same ground, except to emphasize a few points. To charge people with having conspired to do something which they have been engaged in doing most of their lives, namely their campaign against war, militarism and conscription as contrary to the best interests of humanity, is an insult to human intelligence.

And how was that charge proven? By the fact that MOTHER EARTH and THE BLAST were printed by the same printer and bound in the same bindery. By the further evidence that the same expressman had delivered the two publications! And by the still more illuminating fact that on June 2nd MOTHER EARTH and THE BLAST were given to a reporter at his request, if your please, and gratis.

Gentlemen of the jury, you saw the reporter who testified to this overt act. Did any one of you receive the impression that the man was of conscriptable age, and if not, in what possible way is the giving of MOTHER EARTH to a reporter for news purposes proof demonstrating the overt act?

It was brought out by our witnesses that the MOTHER EARTH magazine has been published for twelve years; that it was never held up, and that it has always gone through the U. S. mail as second-class mail matter. It was further proven



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that the magazine appeared each month about the first or second, and that it was sold or given away at the office to whoever wanted a copy. Where, then, is the overt act?

Just as the prosecution has utterly failed to prove the charge of conspiracy, so has it also failed to prove the overt act by the flimsy testimony that MOTHER EARTH was given to a reporter. The same holds good regarding THE BLAST.

Gentlemen of the jury, the District Attorney must have learned from the reporters the gist of the numerous interviews which they had with us. Why did he not examine them as to whether or not we had counseled young men not to register? That would have been a more direct way of getting at the facts. In the case of the reporter from the New York Times, there can be no doubt that the man would have been only too happy to accommodate the District Attorney with the required information. A man who disregards every principle of decency and ethics of his profession as a newspaper man, by turning material given him as news over to the District Attorney, would have been glad to oblige a friend. Why did Mr. Content neglect such a golden opportunity? Was it not because the reporter of the Times, like all the other reporters, must have told the District Attorney that the two defendants stated, on each and every occasion, they would not tell people not to register?

Perhaps the Times reporter refused to go to the extent of perjuring himself. Patrolmen and detectives are not so timid in such matters. Hence Mr. Randolph and Mr. Cadell, to rescue the situation. Imagine employing tenth-rate stenographers to report the very important speeches of dangerous trouble-makers! What lack of forethought and efficiency on the part of the District Attorney! But even these two members of the police department failed to prove by their notes that we advised people not to register. But since they had to produce something incriminating against Anarchists, they conveniently resorted to the old standby, always credited to us, "We believe in violence and we will use violence."

451 Assuming, gentlemen of the jury, that this sentence was really used at the meeting of May 18th, it would still fail to prove the indictment which charges conspiracy and overt acts to carry out the conspiracy. And that is all we are charged with. Not violence, not Anarchism. I will go further and say, that had the indictment been for the advocacy of violence, you gentlemen of the jury, would still have to render a verdict of "Not Guilty," since the mere belief in a thing or even the announcement that you would carry out that belief, can not possibly constitute a crime.

However, I wish to say emphatically that no such expression as "We believe in violence and we will use violence" was uttered at the meeting of May 18th, or at any other meeting.

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I could not have employed such a phrase, as there was no occasion for it. If for no other reason, it is because I want my lectures and speeches to be coherent and logical. The sentence credited to me is neither.

I have read to you my position toward political violence from a lengthy essay called "The Psychology of Political Violence."

But to make that position clearer and simpler, I wish to say that I am a social student. It is my mission in life to ascertain the cause of our social evils and of our social difficulties. As a student of social wrongs it is my aim to diagnose a wrong. To simply condemn the man who has committed an act of political violence, in order to save my skin, would be as unpardonable as it would be on the part of the physician, who is called to diagnose a case, to condemn the patient because the patient has tuberculosis, cancer, or some other disease. The honest, earnest, sincere physician does not only prescribe medicine, he tries to find out the cause of the disease. And if the patient is at all capable as to means, the doctor will say to him, "Get out of this putrid air, get out of the factory, get out of the place where your lungs are being infected." He will not merely give him medicine. He will tell him the cause of the disease. And that is precisely my position in regard to acts of violence. That is what I have said on every platform. I have attempted to explain the cause and the reason for acts of political violence.

452 It is organized violence on top which creates individual violence at the bottom. It is the accumulated indignation against organized wrong, organized crime, organized injustice which drives the political offender to his act. To condemn him means to be blind to the causes which make him. I can no more do it, nor have I the right to, than the physician who were to condemn the patient for his disease. You and I and all of us who remain indifferent to the crimes of poverty, of war, of human degradation, are equally responsible for the act committed by the political offender. May I therefore be permitted to say, in the words of a great teacher: "He who is without sin among you, let him cast the first stone." Does that mean advocating violence? You might as well accuse Jesus of advocating prostitution, because He took the part of the prostitute, Mary Magdalene.

Gentlemen of the jury, the meeting of the 18th of May was called primarily for the purpose of voicing the position of the conscientious objector and to point out the evils of conscription. Now, who and what is the conscientious objector? Is he really a shirker, a slacker, or a coward? To call him that is to be guilty of dense ignorance of the forces which impel men and women to stand out against the whole world like a glittering lone star upon a dark horizon. The conscientious

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objector is impelled by what President Wilson in his speech of Feb. 3, 1917, called "the righteous passion for justice upon which all war, all structure of family, State and of mankind must rest as the ultimate base of our existence and our liberty." The righteous passion for justice which can never express itself in human slaughter—that is the force which makes the conscientious objector. Poor indeed is the country which fails to recognize the importance of that new type of humanity as the "ultimate base of our existence and liberty." It will find itself barren of that which makes for character and quality in its people.

The meeting of May 18th was held before the Draft Bill had actually gone into effect. The President signed it late in the evening of the 18th. Whatever was said at that meeting, even if I had counseled young men not to register, that meeting cannot serve as proof of an overt act. Why, then, has the Prosecuting Attorney dwelt so much, at such length, and with such pains on that meeting, and so little on the other meetings held on the eve of registration and after? Is it not because the District Attorney knew that we had no stenographic notes of that meeting? He knew it because he was approached by Mr. Weinberger and other friends for a copy of the transcript, which request he refused. Evidently, the District Attorney felt safe to use the notes of a patrolman and a detective, knowing that they would swear to anything their superiors wanted. I never like to accuse anyone—I wouldn't go so far as my co-defendant, Mr. Berkman, in saying that the District Attorney doctored the document; I don't know whether he did or not. But I do know that Patrolman Randolph and Detective Cadell doctored the notes, for the simple reason that I didn't say those things. But though we could not produce our own stenographic notes, we have been able to prove by men and women of unimpeachable character and high intelligence that the notes of Randolph are utterly false. We have also proven beyond a reasonable doubt, and Mr. Content did not dare question our proof, that at the Hunts' Point Palace, held on the eve of registration, I expressly stated that I cannot and will not tell people not to register. We have further proven that this was my definite stand, which was explained in my statement sent from Springfield and read at the meeting of May 23rd.

453  
When we go through the entire testimony given on behalf of the prosecution, I insist that there is not one single point to sustain the indictment for conspiracy or to prove the overt acts we are supposed to have committed. But we were even compelled to bring a man eighty years of age to the witness stand in order to stop, if possible, any intention to drag in the question of German money. It is true, and I appreciate it, that Mr. Content said he had no knowledge of it. But, gentlemen of the jury, somebody from the District Attorney's office,

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or someone from the Marshal's office must have given out the statement that a bank receipt for \$2,400 was found in my office and must have told the newspapers the fake story of German money. As if we would ever touch German money, or Russian money, or American money coming from the ruling class, to advance our ideas! But in order to forestall any suspicion, any insinuation, in order to stand clear before you, we were compelled to bring an old man here to inform you that he has been a radical all his life, that he is interested in our ideas, and that he is the man who contributed the money for radical purposes and for the work of Miss Goldman.

Gentlemen of the jury, you will be told by the Court, I am sure, that when you render a verdict you must be convinced beyond a reasonable doubt; that you must not assume that we are guilty before we are proven guilty; and that it is your duty to assume that we are innocent. And yet, as a matter of fact, the burden of proof has been laid upon us. We had to bring witnesses. If we had had time we could have brought fifty more witnesses, each corroborating the others. Some of those people have no relation with us. Some are writers, poets, contributors to the most conventional magazines. Is it likely that they would swear to something in our favor if it were not the truth? Therefore I insist, as did my co-defendant Alexander Berkman, that the prosecution has made a very poor showing in proving the conspiracy or any overt act.

Gentlemen of the jury, we have been in public life for twenty-seven years. We have been haled into court, in and out of season—we have never denied our position. Even the police know that Emma Goldman and Alexander Berkman are not shirkers. You have had occasion during this trial to convince yourselves that we do not deny. We have gladly and proudly claimed responsibility, not only for what we ourselves have said and written, but even for things written by others and with which we did not agree. Is it plausible, then, that we would go through the ordeal, trouble and expense of a lengthy trial to escape responsibility in this instance? A thousand times no! But we refuse to be tried on a trumped-up charge, or to be convicted by perjured testimony, merely because we are Anarchists and hated by the class whom we have openly fought for many years.

454 Gentlemen, during our examination of talesmen, when we asked whether you would be prejudiced against us if it were proven that we propagated ideas and opinions contrary to those held by the majority, you were instructed by the Court to say, "If they are within the law." But what the Court did not tell you is, that no new faith—not even the most humane and peaceable—has ever been considered "within the law" by those who were in power. The history of human growth is at



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the same time the history of every new idea heralding the approach of a brighter dawn. and the brighter dawn has always been considered illegal, outside of the law.

Gentlemen of the jury. most of you, I take it, are believers in the teachings of Jesus. Bear in mind that he was put to death by those who considered his views as being against the law. I also take it that you are proud of your Americanism. Remember that those who fought and bled for your liberties were in their time considered as being against the law, as dangerous disturbers and trouble-makers. They not only preached violence, but they carried out their ideas by throwing tea into the Boston harbor. They said that "Resistance to tyranny is obedience to God." They wrote a dangerous document called the Declaration of Independence. A document which continues to be dangerous to this day, and for the circulation of which a young man was sentenced to ninety days prison in a New York Court, only the other day. They were the Anarchists of *their* time—they were never within the law.

Your Government is allied with the French Republic. Need I call your attention to the historic fact that the great upheaval in France was brought about by extra-legal means? The Dantes, the Robespieres, the Marats, the Herberts, aye even the man who is responsible for the most stirring revolutionary music, the Marseillaise (which unfortunately has deteriorated into a war tune) even Camille Desmoulins, were never within the law. But for those great pioneers and rebels, France would have continued under the yoke of the idle Louis XVI., to whom the sport of shooting jack rabbits was more important than the destiny of the people of France.

455 Ah, gentlemen. on the very day when we were being tried for conspiracy and overt acts, your city officials and representatives welcomed with music and festivities the Russian Commission. Are you aware of the fact that nearly all of the members of that Commission have only recently been released from exile? The ideas they propagated were never within the law. For nearly a hundred years, from 1825 to 1917, the Tree of Liberty in Russia was watered by the blood of her martyrs. No greater heroism, no nobler lives had ever been dedicated to humanity. Not one of them worked within the law. I could continue to enumerate almost endlessly the hosts of men and women in every land and in every period whose ideas and ideals redeemed the world because they were not within the law.

Never can a new idea move within the law. It matters not whether that idea pertains to political and social changes or to any other domain of human thought and expression—to science, literature, music; in fact, everything that makes for freedom and joy and beauty must refuse to move within the law. How can it be otherwise? The law is stationary, fixed,

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Summary: The Department of Justice submits excerpts from Goldman's pamphlet, "Trial and Speeches of Alexander Berkman and Emma Goldman," at her deportation hearing.

Notes: Submitted as Exhibit N at Goldman's deportation hearing, see 830214027. Submitted as Exhibit R in the Department of Justice's November 1919 report on their investigation of anarchists, see 810206085.

mechanical, "a chariot wheel" which grinds all alike without regard to time, place and condition, without ever taking into account cause and effect, without ever going into the complexity of the human soul.

Progress knows nothing of fixity. It cannot be pressed into a definite mould. It cannot bow to the dictum, "I have ruled," "I am the regulating finger of God." Progress is ever renewing, ever becoming, ever changing—*never is it within the law.*

If that be crime, we are criminals even like Jesus, Socrates, Gallileo, Bruno, John Brown and scores of others. We are in good company, among those whom Havelock Ellis, the greatest living psychologist, describes as the political criminals recognized by the whole civilized world, except America, as men and women who out of deep love for humanity, out of a passionate reverence for liberty and an all-absorbing devotion to an ideal are ready to pay for their faith even with their blood. We cannot do otherwise if we are to be true to ourselves—we know that the political criminal is the precursor of human progress—the political criminal of to-day must needs be the hero, the martyr and the saint of the new age.

But, says the Prosecuting Attorney, the press and the unthinking rabble, in high and low station, "that is a dangerous doctrine and unpatriotic at this time." No doubt it is. But are we to be held responsible for something which is as unchangeable and unalienable as the very stars hanging in the heavens unto time and all eternity?

Gentlemen of the jury, we respect your patriotism. We would not, if we could, have you change its meaning for yourself. But may there not be different kinds of patriotism as there are different kinds of liberty? I for one cannot believe that love of one's country must needs consist in blindness to its social faults, to deafness to its social discords, of inarticulation to its social wrongs. Neither can I believe that the mere accident of birth in a certain country or the mere scrap of a citizen's paper constitutes the love of country.

446 I know many people—I am one of them—who were not born here, nor have they applied for citizenship, and who yet love America with deeper passion and greater intensity than many natives whose patriotism manifests itself by pulling, kicking, and insulting those who do not rise when the national anthem is played. Our patriotism is that of the man who loves a woman with open eyes. He is enchanted by her beauty, yet he sees her faults. So we, too, who know America, love her beauty, her richness, her great possibilities; we love her mountains, her canyons, her forests, her Niagara, and her deserts—above all do we love the people that have produced her wealth, her artists who have created beauty, her great apostles who

## The Emma Goldman Papers

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dream and work for liberty—but with the same passionate emotion we hate her superficiality, her cant, her corruption, her mad, unscrupulous worship at the altar of the Golden Calf.

We say that if America has entered the war to make the world safe for democracy, she must first make democracy safe in America. How else is the world to take America seriously, when democracy at home is daily being outraged, free speech suppressed, peaceable assemblies broken up by overbearing and brutal gangsters in uniform; when free press is curtailed and every independent opinion gagged. Verily, poor as we are in democracy, how can we give of it to the world? We further say that a democracy conceived in the military servitude of the masses, in their economic enslavement, and nurtured in their tears and blood, is not democracy at all. It is despotism—the cumulative result of a chain of abuses which, according to that dangerous document, the Declaration of Independence, the people have the right to overthrow.

448 The District Attorney has dragged in our Manifesto, and he has emphasized the passage, "Resist conscription." Gentlemen of the jury, please remember that that is not the charge against us. But admitting that the Manifesto contains the expression, "Resist conscription," may I ask you, is there only *one kind* of resistance? Is there only the resistance which means the gun, the bayonet, the bomb or flying machine? Is there not another kind of resistance? May not the people simply fold their hands and declare, "We will not fight when we do not believe in the necessity of war"? May not the people who believe in the repeal of the Conscription Law, because it is unconstitutional, express their opposition in word and by pen, in meetings and in other ways? What right has the District Attorney to interpret that particular passage to suit himself? Moreover, gentlemen of the jury, I insist that the indictment against us does not refer to conscription. We are charged with a conspiracy against registration. And in no way or manner has the prosecution proven that we are guilty of conspiracy or that we have committed an overt act.

Gentlemen of the jury, you are not called upon to accept our views, to approve of them or to justify them. You are not even called upon to decide whether our views are within or against the law. You are called upon to decide whether the prosecution has proven that the defendants Emma Goldman and Alexander Berkman have conspired to urge people not to register. And whether their speeches and writings represent overt acts.

Whatever your verdict, gentlemen, it cannot possibly affect the rising tide of discontent in this country against war which, despite all boasts, is a war for conquest and military power. Neither can it affect the ever increasing opposition to conscription which is a military and industrial yoke placed

## The Emma Goldman Papers

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upon the necks of the American people. Least of all will your verdict affect those to whom human life is sacred, and who will not become a party to the world slaughter. Your verdict can only add to the opinion of the world as to whether or not justice and liberty are a living force in this country or a mere shadow of the past.

Your verdict may, of course, affect us temporarily, in a physical sense—it can have no effect whatever upon our spirit. For even if we were convicted and found guilty and the penalty were that we be placed against a wall and shot dead, I should nevertheless cry out with the great Luther: "Here I am and here I stand and I cannot do otherwise."

And gentlemen, in conclusion let me tell you that my co-defendant, Mr. Berkman, was right when he said the eyes of America are upon you. They are upon you not because of sympathy for us or agreement with Anarchism. They are upon you because it must be decided sooner or later whether we are justified in telling people that we will give them democracy in Europe, when we have no democracy here? Shall free speech and free assemblage, shall criticism and opinion—which even the espionage bill did not include—be destroyed? Shall it be a shadow of the past, the great historic American past? Shall it be trampled underfoot by any detective, or policeman, anyone who decides upon it? Or shall free speech and free press and free assemblage continue to be the heritage of the American people?

Gentlemen of the jury, whatever your verdict will be, as far as we are concerned, nothing will be changed. I have held ideas all my life. I have publicly held my ideas for twenty-seven years. Nothing on earth would ever make me change my ideas except one thing; and that is, if you will prove to me that our position is wrong, untenable, or lacking in historic fact. But never would I change my ideas because I am found guilty. I may remind you of two great Americans, undoubtedly not unknown to you, gentlemen of the jury; Ralph Waldo Emerson and Henry David Thoreau. When Thoreau was placed in prison for refusing to pay taxes, he was visited by Ralph Waldo Emerson and Emerson said: "David, what are you doing in jail?" and Thoreau replied: "Ralph, what are you doing outside, when honest people are in jail for their ideals?" Gentlemen of the jury, I do not wish to influence you. I do not wish to appeal to your passions. I do not wish to influence you by the fact that I am a woman. I have no such desires and no such designs. I take it that you are sincere enough and honest enough and brave enough to render a verdict according to your convictions, beyond the shadow of a reasonable doubt.

Please forget that we are Anarchists. Forget that it is



# The Emma Goldman Papers

[Letter, 1917 July? San Francisco [to Harry Weinberger, New York] / Robert Minor. — 1 p. ; 23 × 16 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Minor explains that he summarized his grand jury testimony because he is afraid the official record will be changed.

Notes: For related document, see 850827064. Bracketed date assigned by Yale University Library.

[1917]?

I sent Fitzie, in care  
of Victoria Levenson  
— 435 E. 163 St N.Y. —  
a brief summary of  
grand jury testimony  
given by me.

It is commonly  
reported that there is a  
habit here of changing  
G.J. record.  
J.J. Couldn't you suppress  
stenog and his original  
note book? ~~The thing~~

Robert Minor  
I'm sick abed. Good luck

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# The Emma Goldman Papers

[Affidavit? 1917? July? regarding California indictment of Alexander Berkman (excerpt?)] / [Robert Minor]. — 3 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Minor describes the portions of his testimony before the grand jury in the Mooney case used to indict Berkman. He explains that Berkman and Goldman were only involved in Mooney's defense.

Notes: For related document, see 850702457.

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I have been before the Grand Jury twice. "Upon my testimony" they indicted Alexander Berkman for the murder of ten persons. The testimony that I gave, having been advised by ~~my~~ lawyers that it was less harmful to give it than to withhold it, was this: That I knew Alexander Berkman and Emma Goldman in the East. That I was on the Mexican border as a newspaper man and when the Mexican war did not pan out I came up to Los Angeles. That a Mrs. Craig, down there, happened to say to me that Ed. Nolan and Tom Mooney were not the sort of men who would commit a crime like that; I got interested and wrote or wired to Berkman asking him if he thought I could do any good by coming up here. That Berkman wired back that I might come and see if there was anything I could do. That I then came to San Francisco a few days earlier than I had intended to come on vacation. That I had Miss Goldman's address. obtained, to the best of my recollection, from a letter she wrote to me asking me to send a cartoon to Mother Earth. That when I went to see Miss Goldman I was standing at the window, when I saw Berkman and Miss Fitzgerald coming across the street. That they came in, saying they had just left a conference with the District Attorney and telling Miss Goldman and myself about the conversation with the district attorney. There was no discussion of any plan to start a defense for Mooney, Nolan et al. That the date of this occurrence was within a day or two of my arrival in San Francisco, which was about August the second. The District Attorney tried by trick questions, to make me call this a "meeting called at Miss Goldman's house", but I told him that it was abso-

## The Emma Goldman Papers

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Notes: For related document, see 850702457.

-2-

lutely accidental and happened to occur by virtue of Berkman's happening to be released at that moment from the conference with the District Attorney.

You will note that everything thus mentioned was of occurrences <sup>iv</sup> After the crime and therefore absolutely irrelevant and not admissible as evidence in court--atleast so I think, though I may be mistaken.

The further evidence upon which Berkman was indicted, is as follows:

Fickert asked me if I had not really left New York because of getting into trouble with a 16-year old girl named Bessy. Then Fickert asked me a question which I want people to know about in a quiet way, though I do not want to publish it with names. Fickert said "Now ain't it a fact, don't you know it to be a fact that Weinberg rented his wife to another man to sleep with when he left the city for six months". My reply need not be quoted, but he stoutly affirmed, with a smutty grin, that that was true.

The rest of the record of the two sessions of the ~~the~~ Grand Jury of which I know that pertained to the indictment of Berkman, was consumed by my identifying photographic reproductions of cancelled checks of monies sent through the agency of Berkman to the defense league. Also my identifying an article I wrote called "Why not burn the Declaration of Independence", which I explained in spite of Fickert's efforts to stop me, was peculiarly ironical and a protest against deserting the principles of the Declaration of Independence. A cartoon caption furnished another ground for indictment: "You and I cannot Live in the Same Land" --and

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Notes: For related document, see 850702457.

-3-

1 of course Fickert and the Grand Jury thought it meant that the  
2 "Free Press" spoke these words to the Government, but which I  
3 explained meant that the Government (or, specifically the Post  
4 Office Department) spoke these words, in effect, to the radical  
5 Labor press. Also an article of mine which spoke of "Wall Street  
6 magnates using the "intoxicating smell of bunting" - was held  
7 up to the Grand Jury with the loud declamation that I said in  
8 that article that the Flag smells bad!

9 Further than this, by-the-way, Fickert told the Grand Jury  
10 and tried to prove by me, that Alexander Berkman once shot a man  
11 (or killed a man, I think he said) that he had "never seen before",  
12 and that Emma Goldman preached sex immorality.

13 After that Fickert announced in the papers that the testi-  
14 mony given by Minor proved that Berkman and others had foreknow-  
15 ledge of a crime to be committed on July 22nd. 1916.



The Emma Goldman Papers

[List of Mother Earth Articles Censored by Post Office, July 1917] / [Mother Earth Publishing Association]. — 1 p. ; 9 x 14 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 65.  
Summary: The Mother Earth Publishing Association lists the articles in the July 1917 issue of *Mother Earth*, which is available by express mail.  
Notes: Enclosed with 810128113, 870217005, 870217006, and 870313001.

The July Issue of MOTHER EARTH CONTENTS	
HELD UP BY THE POST OFFICE	
The Trial and Conviction of Emma Goldman and Alexander Berkman	Page 129
Alexander Berkman's Speech in Court	138
Emma Goldman's Speech in Court	150
Observations and Comments	164
"The Immortals" - Margaret C. Anderson	167
An Impression of the Hunt's Point Palace Meeting	174
Did Judge Mayer Read This? - Thomas A. Weston	176
How One Young Man Met the Challenge of Conscription	179
It Is to Laugh - Charles Erskine Scott Wood	181
The War and the Intellectuals - Randolph Bourne	186
It is a great number and it will help our cause if you circulate it. For \$1.00 we will send you 5 copies by express prepaid.	
Send money to M. E. FITZGERALD, 226 Lafayette Street, New York City.	

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# The Emma Goldman Papers

[Request Form for Pamphlet, "The Trial and Speeches of Emma Goldman and Alexander Berkman," July?] 1917 / Mother Earth Publishing Ass[ociatio]n. — 1 p. ; 8 × 14 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** The Mother Earth Publishing Association solicits purchasers for its pamphlet, "The Trial and Speeches of Emma Goldman and Alexander Berkman."

**Notes:** Enclosed with 880603111, 880603109, and 880603113.

..... 1917

MOTHER EARTH PUBLISHING ASS'N  
 • 226 Lafayette Street,  
 • New York City, N. Y.

Enclosed find \$.....for which send me.....copies of "The Trial  
 and Speeches of Emma Goldman and Alexander Berkman."

Name.....

Address.....

.....

25 Cents per copy; 5 copies for \$1.00; postage 5 cents each.  
 Make checks payable to M. E. Fitzgerald

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## The Emma Goldman Papers

[Contribution Form for Goldman-Berkman Defense Fund & The Blast Fund, July? 1917] / M. E[leanor] Fitzgerald. — 1 p. ; 8 × 12 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Fitzgerald solicits money for the Goldman-Berkman defense fund and *The Blast*.

**Notes:** Enclosed with 880603111, 880603109, and 880603112.

M. E. FITZGERALD,  
226 Lafayette Street,  
New York City, N. Y.

Enclosed find \$.....for THE BLAST fund.

Enclosed find \$.....for { Emma Goldman } Defe  
{ Alexander Berkman }

Name.....

Address.....

15446  
We do not publish names unless requested.

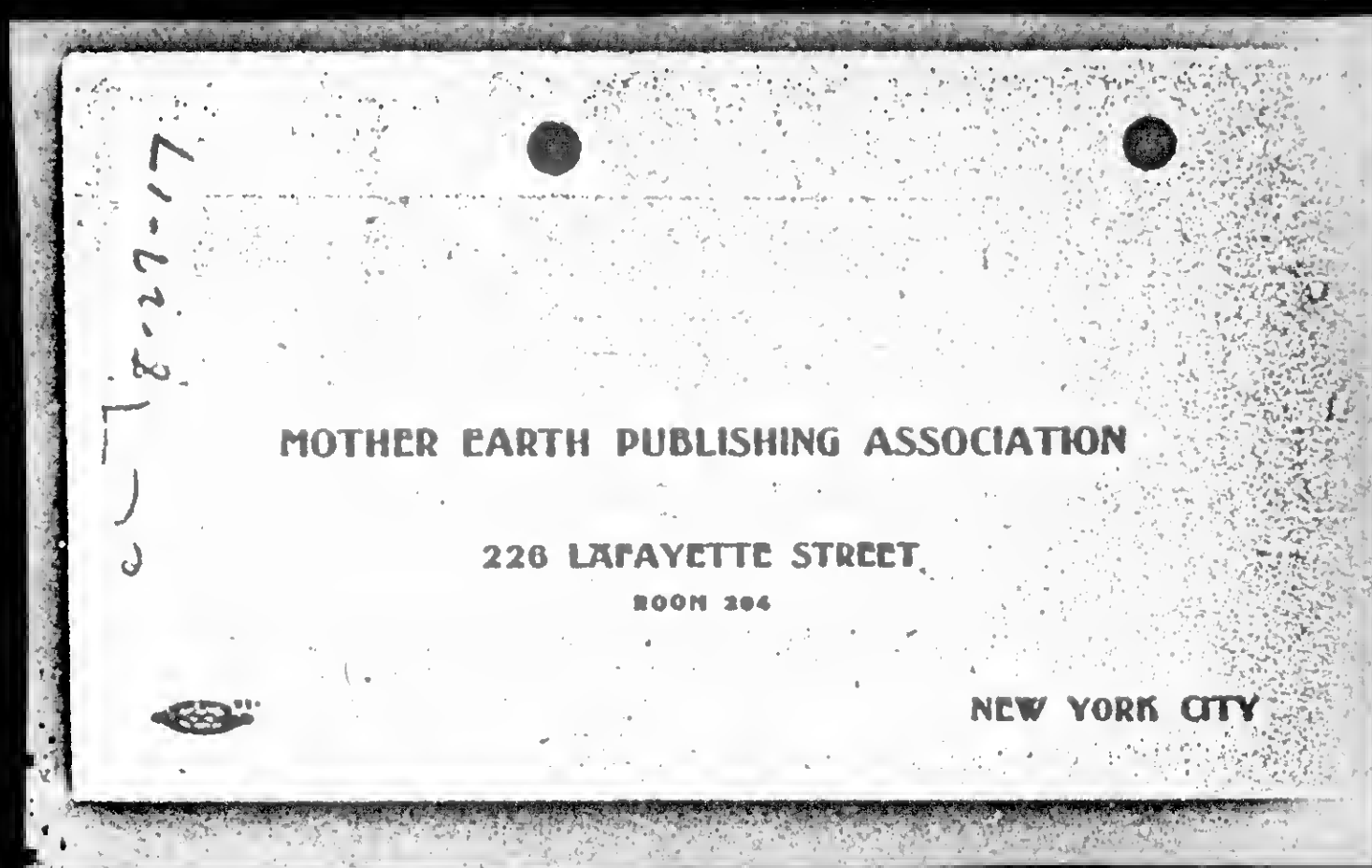
## The Emma Goldman Papers

[Address Card, 1917 July? for Mother Earth Publishing Association] / Mother Earth Publishing Association. — 1 p. ; 9 × 14 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** M.E. Fitzgerald encloses an address card for the Mother Earth Publishing Association in her fundraising letters, probably noting a change of address.

**Notes:** Enclosed with 880603111 through 880603113.



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# The Emma Goldman Papers

[Memorandum, 1917 July? New York to Emma? Goldman? and Alexander? Berkman?] / [Harry Weinberger]. — 1 p. ; 22 × 18 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger suggests some jury instructions that Goldman and Berkman should request.

Charge jury that Person 1  
+ 2 were not a violation of law  
the jury are not to consider that  
as a violation of law the giving of  
out not a conspiracy even the  
agreement to give it out

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# The Emma Goldman Papers

[Letter] 1917 July 1 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 29 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley asks Bielaski for the original of a letter on *The Blast* letterhead to use as prosecution evidence at Berkman and Goldman's trial.

Notes: Dark copy. For reply, see 880603062.

July 1, 1917.

A.B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

Dear Sir:

Referring to your letter ABB of the 27th ultimo enclosing photostat copy of letter received by the Post Office, written on the letter head of "The Blast", and addressed to David Kramer under date of the 18th ultimo, I beg to advise you that the text of the same would indicate that it written either by Alexander Berkman or some person very close to him, but the signature does not appear to be in either his handwriting or that of Emma Goldman.

We expect, however, to commence the taking of testimony in the cases against these two to-morrow, the 2nd instant, and effort will be made to determine definitely the authorship of this letter.

It may be quite useful in the cross examination of the defendants or some of their witnesses, and I should be glad to receive the original if possible by Wednesday morning at the latest.

Very truly yours,

Wm M. Offley

Division Superintendent

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# The Emma Goldman Papers

[Letter] 1917 July 2 [Washington, D.C. to] W[illiam] M. Offley [Division Superintendent, Bureau of Investigation, Department of Justice], New York / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Bielaski sends Offley the letter he requested.

**Notes:** Dark copy; barely legible. Reply to 880603059.

1876

July 2, 1917

W. M. Offley, Esq.,  
Box 241,  
New York, N. Y.

Dear Sir:-

Replying to your letter of July 1, 1917, I enclose herewith the original letter addressed to "Dear M. D.", on the letterhead of the Elast, and the envelope in which it was contained.

Very truly yours,

Chief.

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## The Emma Goldman Papers

[Letter] 1917 July 2 [New York to] Thomas G. Patten, Postmaster [Post Office Department], New York / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger asks the New York postmaster if he has stopped the mailing of *Mother Earth* and *The Blast*.

**Notes:** Broken type. Reply to 850712395. For Patten's reply, see 850712397.

July 2nd, 1917

Thomas G. Patton, Esq.,  
City Post Master,  
33rd Street & Eighth Avenue,  
New York City.

Dear Sir:-

Your letter of June 30th in re mail Mother Earth Publishing Company, Miss Emma Goldman, The Blast and Alexander Berkman, 20 East 125th Street, received.

I am glad to be informed that no instructions to withhold delivery of mail has been given.

Will you kindly inform me, however, whether or not the mailing of the Mother Earth Magazine and The Blast has been stopped.

Yours very truly,



# The Emma Goldman Papers

[Letter] 1917 July 2, Milwaukee, Wis. [to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / P.J. Barry, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Barry informs Bielaski that he should have sent his request for information on Appel, Goldman's associate, to the Chicago office.

Notes: Dark copy.

PJD/EAR

July 2nd, 1917,

A. Bruce Bielaski, Esq.,  
Chief Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir:

Your letter under date of June 28th, initialed RLD/BSL, received, with reference to a follower of Emma Goldman known as Appel, which information was given by I.W.W. informant Annon, and is covered by Special Investigator Carter's report of June 7th, 1917.

This is a matter for the Chicago office of the Bureau to investigate as the address of Appel given as North Avenue & Hobay Street mentioned in Special Investigator Carter's report is in Chicago and not Milwaukee.

I am forwarding your letter today to Division Superintendent Clabough for action by the Chicago Office.

Yours very truly,

*P.J. Barry*

Special Agent in Charge.

c/aco

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# The Emma Goldman Papers

880603061

[Agent Report] In re: League of Humanity (See files Daniel H. Wallace, C.V. Cook, Anarchists, Etc.)—European Neutrality Matter, Chicago, 1917 July 2 / H[inton] G. Clabaugh, Division Superintendent [Bureau of Investigation, Department of Justice].—3 p.; 27 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh submits a confidential informant's report on a meeting in Chicago to raise bail for Goldman and Berkman. He summarizes the speeches and describes police attempts to arrest non-registered men.

H. G. Clabaugh Chicago, Ill. July 2, 1917 7-2-19

In re League of Humanity (See files Daniel H. Wallace, C. V. Cook, Anarchists, Etc.)  
European Neutrality Matter.

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

At Chicago, Illinois.

Confidential informant working in conjunction with your office and the Chief of Police, reports under date of June 29th, 1917, as follows:

Respectfully report that I attended Emma Goldman and Alex Berkman Protest Defense Meeting which was held June 23, 8:00 P. M. at the West Side Auditorium, Taylor Sts and Racine Ave., under the auspices of the League of Humanity and Friend of the American Constitution.

Every seat in the hall was taken 98% who attended the meeting were Russian Jews, men and women.

The speakers were C. V. Cook, Chairman; Daniel H. Wallace, a professor of the Hobo College, could not get his name; William Nathanson and William Abrahams. Mr. Cook said Emma Goldman and Alex Bergman have been arrested in New York for holding free speeches. Emma Goldman is out on \$25,000.00 bonds and Bergman is still in jail with a broken leg and cannot get \$25,000.00 together. He has only \$10,000 and need \$15,000.00 more. This meeting here is for the purpose of getting enough money together to help to get Berkman out of jail. His case will come up next week. He said if there is any one here in the audience who has one or two hundred dollars to spare, he should wire the money over to Berkman. Emma Goldman and Alex Berkman have been working together to help others when they were in jail. It is our duty now to help them.

There are ten thousand men shot every day in the trenches of Europe. The Government intends to send 1,000,000

COPIES OF THIS REPORT FURNISHED TO:

Chicago and New York office

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## The Emma Goldman Papers

880603061

[Agent Report] In re: League of Humanity (See files Daniel H. Wallace, C.V. Cook, Anarchists, Etc.)—European Neutrality Matter, Chicago, 1917 July 2 / H[inton] G. Clabaugh, Division Superintendent [Bureau of Investigation, Department of Justice].—3 p.; 27 x 19 cm.

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Report from In re League of Humanity -2-

men to Europe; they only will last about six months. I am against the war. Before I would go over there to be shot, I prefer to be shot here.

15446

The next speaker was the Professor of the Hobe College. He took the REPUBLICAN newspaper and said, "Is Wilson Master or Servant?" I was in Washington and met Mr. Wilson and I understood he was against the war. I also made speeches for him and received good pay. He got elected because he was for peace. Now he dragged us into war. I am sorry now that I received the dirty silver money from him. What right has he got to ask us to go to war? Without the consent of the people. It was his duty to let the people vote to decide on it whether they want war or not.

The next speaker was Mathanson in Jewish. He asked the people to donate money so Berkman could get out of jail. A collection was taken up. Mr Cook announced that there was \$37.60 collected. It was not even enough to pay the rent for the hall which was \$40.00. And he didn't think that the audience was much interested in the defense meeting because the most only gave nickels and pennies. Then another collection was taken up so the rent could be paid for the hall. They got \$16.40. Mr. Mathanson said in Russia they were not allowed to have free speeches and free press, but now the working men got so far they cannot be stopped from having free speeches and free press. We must see that we elect our party men and send them to Washington, then we will be able to have free speech and free press. So long as Mason and others are in Washington, we cannot have it, and I am liable to be arrested any time for making free speech. The next speaker was a Russian, he spoke in the Russian language. I could not get his name.

Wallace spoke next. He said, "I will not tell you what you should do, but it is up to you, and I don't think you would like to have your brother or son going to war to be shot. I want you

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## The Emma Goldman Papers

880603061

[Agent Report] In re: League of Humanity (See files Daniel H. Wallace, C.V. Cook, Anarchists, Etc.)—European Neutrality Matter, Chicago, 1917 July 2 / H[inton] G. Clabaugh, Division Superintendent [Bureau of Investigation, Department of Justice].—3 p.; 27 x 19 cm.

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Summary: Clabaugh submits a confidential informant's report on a meeting in Chicago to raise bail for Goldman and Berkman. He summarizes the speeches and describes police attempts to arrest non-registered men.

to join the League of Humanity and Friends of the American Constitution.

The last speaker was William Abraham. He stated that the audience should contribute dollars for the defense fund and join the organization. He also made a reference to the presence of detective and secret agents in the hall and referred specifically to Detective McDonald. We know there are dozens of detectives and Government secret agents here, but we don't care! There is one man present whose name is McDonald, who is a policeman. He came over to the East Side once and joined the I. W. O. and pretended to be one of us. He also was our secretary. But at last we found out who he was.

The meeting was out at 11:00 o'clock. The government's men stationed themselves at the doors and asked every young man for his registration card. They took three young men to the patrol box which is at the south east corner of Racine Ave. and Taylor Street and called for the auto patrol. Men and women started to crowd around the patrol box. In about 8 minutes the auto patrol and the government men went back in the hall. At the foot of the stairs they seized a man when he was leaving the hall. At the same time there were some blows exchanged between the government men and the men who were around. The women started to scream and holler "Cossacks" and another said they are worse than Cossacks. Then the Government men drew revolvers and held the crowd. At the same time two patrolmen came there and cleaned the streets. I went to the telephone and called up Maxwell Station for help. Capt. Russell and two auto patrols with uniformed men arrived there and dispersed the crowd. At about 11:15 the streets and sidewalks were clear. There was nobody injured. During the meeting in the hall everything was orderly.

BEST COPY AVAILABLE



# The Emma Goldman Papers

[Letter] 1917 July 3, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster, Post Office [Department].  
— 1 p. ; 32 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Patten acknowledges receipt of Lamar's advice that the June 1917 issue of *Mother Earth* is un-mailable. He asks whether this extends to the May issue.

Notes: Reply to 810128140. For letters mentioned, see 810128013 and 810128034.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.

July 3, 1917

Solicitor,

Post Office Department.

Your letter of the 29th ultimo, (A-46647-S),  
advising that the June 1917 issue of "*Mother Earth*",  
"Vol. XII, No. 4", is non-mailable, has been received.  
As copies of the May issue of this publication have also  
been submitted to the Department, (see my letters of May  
8 and June 2,) will you kindly advise respecting this  
issue as copies deposited for mailing are still held.

*T. G. Patten*  
Postmaster

E-33

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# The Emma Goldman Papers

[Letter] 1917 July 3, New York [to] Harry Weinberger, New York / T[homas] G. Patten, Postmaster, Post Office [Department]. — 1 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Patten notifies Weinberger that the June 1917 issue of *Mother Earth* is unmailable under the Espionage Act.

Notes: Reply to 850712396.

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.

IN REPLYING  
PLEASE REFER TO INITIALS AND DATE  
SMC.

July 3, 1917

Mr. Harry Weinberger,  
261 Broadway,  
New York, New York.

Dear Sir:

In reply to your letter of the 2nd instant,  
you are informed that the June 1917 issue of "Mother Earth"  
is held by the Solicitor for the Post Office Department to  
be non-mailable under the Act of June 15, 1917, and that  
the June 1, 1917 issue of "The Blast" has also been declared  
unmailable by the Department.

Very respectfully,

Per

T. G. PATTEN  
Postmaster  
Assistant Postmaster

M-jj

# The Emma Goldman Papers

[United States v. Goldman & Berkman:] Subpoena Duces Tecum, 1917 July 3, to the President of the Municipal Civil Service Commission, New York / Emma Goldman and Alexander Berkman. — 1 p. ; 34 x 20 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Goldman and Berkman subpoena the head of the New York Civil Service Commission to testify about the qualifications of William Randolph, a police stenographer who will testify for the government.

Notes: Back of type

797-Subpoena-Duces Tecum

[Jul. 3, 1917]  
Royal Stationery Co., Inc., Printers and Mfg. Stationers  
129-131 Fulton Street, New York

## The People of the State of New York

To the President of the Municipal Civil Service Commission.  
Municipal Building, New York City.

GREETING:

**We Command You**, that all business and excuses being laid aside, you appear and attend before Hon. Julius M. Mayer,

District Judge at the United States District Court, Southern District of New York, at a Stated Term of said Court, held at Room 453 of U. S. Post Office Building, City Hall Park, New York City.

on the 5th day of July, A. D. 1917 at 10:30 o'clock in the forenoon, to testify and give evidence in a certain action now pending undetermined in the said Court, between United States,

Complainant, against

Emma Goldman and Alexander Berkman, defendants

defendant on the part of the defendants and that you bring with you, and produce at the time and place aforesaid, certain records and examination papers pertaining to Civil Service Examinations taken by one William H. Randolph, a police stenographer now attached to Police Headquarters of New York City, together with his ratings, markings and credits received by him as a result of said examinations and which qualified him for such position.

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And for a failure to attend, you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved, and forfeit FIFTY DOLLARS in addition thereto.

Witness, Hon. Julius M. Mayer, United States District Judge, this 3rd day of July, 1917.

Alex Gilchrist, Jr.

Clerk.

Alexander Berkman and Emma Goldman, Attorneys in Personam.

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# The Emma Goldman Papers

[Letter] 1917 July 5 [Washington, D.C. to A.M. Dockery] Third Assistant [Postmaster General, Post Office Department, Washington, D.C.] / [William H. Lamar] Solicitor [Post Office Department]. — 1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar advises the Washington third assistant postmaster that the *Mother Earth* June 1917 issue is nonmailable under the Espionage Act, but the prior issues in 1917 are mailable.

**Notes:** Broken type. Reply to 810128010. For related document, see 870602020.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-W

July 5, 1917.

Third Assistant,  
Classification.

I return herewith the copies of the issue of "Mother Earth" for January, February, March, April, May and June, which accompanied your letter of the 30th ultimo.

As the issues of January, February, March, April and May were printed prior to the passage of the Act of June 15th, it is not considered advisable to take any action with respect to those issues. The issue of June, 1917, however, is nonmailable and the postmaster at New York has been so advised.

Solicitor.

BEST COPY AVAILABLE

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# The Emma Goldman Papers

[Memorandum, 1917 July 5?] Washington [D.C. to William H. Lamar, Solicitor, Post Office Department, Washington, D.C.] / J.J. Southerland, Assistant Solicitor] Post Office Department. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** Southerland suggests that the solicitor rephrase his instructions to the third assistant postmaster regarding the mailability of the January 1917 through June 1917 issues of *Mother Earth*.

**Notes:** Upper document only. For related documents, see 810128126 and 810128010.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

**Post Office Department**  
**OFFICE OF THE SOLICITOR**  
**Washington**

Memorandum for Judge:

Do you wish to say to the Third Assistant that "it is not considered advisable to take any action with respect to those issues or do you not think it best to say that

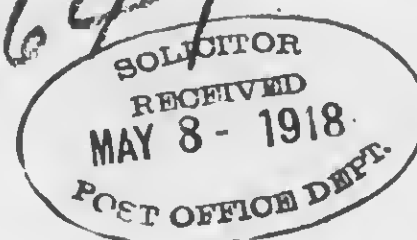
The issues of January, February, March, April and May were deposited in the mails prior to the Act of June 15, 1917, and are not regarded by this office as being unmailable under the laws that existed when the publications were mailed. However, the issue of June, 1917, is nonmailable under the Act of June 15, 1917, (Soc. 481-1/2, PL&R., 1913), and the postmaster at New York has been so advised.

OFFICE OF THE CHAIRMAN  
POST OFFICE DEPARTMENT

CENSORSHIP BOARD  
WASHINGTON

May 8, 1918.

REFER TO FILE NO.



Judge Lamar.

Reference from Liaison Officer Stickney with the French Censorship Copy of "Mother Earth" suppressed by the French Censorship and forwarded to the Censorship Board for attention. Referred to Judge Lamar for action.

Maddox H

SECRETARY TO THE BOARD

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## The Emma Goldman Papers

850806197

U[nited] S[tates] v. Goldman [&] Berkman: Testimony, 1917 July 5 [excerpt] / Rebecca Shelley.— 10 p. ; 28 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Rebecca Shelley testifies about the legal advice on draft resistance that Harry Weinberger gave to a meeting of the No Conscription League on May 23, 1917.

Notes: For other copies of Shelley's testimony, see the official trial transcript, 810206005, pages 282-290, and the stenographer's minutes, 850812038, page 499-511.

U. S. v GOLDMAN and BERKMAN

New York, July 5, 1917

Morning session

Extract from testimony of REBECCA SHELLEY,  
called on behalf of defendants.

CROSSEXAMINATION BY MR CONTENT

Q How did you know that statement was from Miss Goldman?  
You said there was a statement from Miss Goldman? A I  
dont know that the statement was from Miss Goldman, except  
that I took the word of those who presented the statement and  
read the statement.

Q You dont know whence it originated, yourself? A No.  
I only took the word of those who read the statement.

Q What kind of a statement was it, typewritten or written?  
A I saw only the back of the pages or page; so I couldnt  
tell whether it was typewritten or written.

Q You dont remember who read it? A I kind-of recol-  
lect that Miss Fitzgerald began to read but someone else  
finished. Though I am not positive about that.

Q Do you know who else was at the meeting? A Miss  
Boardman was present.

Q Did you know her before the date of that meeting?  
A No I had seen her but I didnt know her personally. I have  
since become personally acquainted with her.

Q But up to that time did you know her? A No.

## The Emma Goldman Papers

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Shelley

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Q Who else was there besides Mr Berkman and Miss Fitzgerald and Miss Boardman? A Mr Weinberger.

Q You mean Mr Harry Weinberger? A yes.

Q The lawyer? A yes. Prof. Dana was also there.

Q Prof. Dana was there? A Yes.

Q Of Columbia? A Yes.

Q Was anybody else there that you recall? A No. I didnt know any of the people at that meeting.

### REDIRECT EXAMINATION BY MR BERKMAN

Q When the statement was read, was it announced, either before or after, from whom the statement was? A Oh yee, it was announced that a statement had been received from Miss Goldman.

Q It was announced that a statement was received from Miss Goldman? A Yes.

Q And it was explained why Miss Goldman was not there herself? A Yes.

Q Was there any reason in the world to doubt that the statement was as announced?

MR CONTENT: I object to that.

Objection sustained.

Q You saw Mr Harry Weinberger at that meeting of May 23? A Yes.

Q Do you remember members present there asking Mr Weinberger

## The Emma Goldman Papers

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Shelley

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for his legal advice? A Yee.

Q You heard Mr Weinberger speak there and give his legal advice? A Mr Weinberger gave various legal aspects of the question of registration. I don't think Mr Weinberger would call it advice, his giving a legal opinion on various aspects.

Q He gave a legal opinion on the various aspects you say of this question of militarism and war and everything?

MR CONTENT: She said registration.

BY THE COURT

Q What were the subjects referred to? A I heard particularly the question of registration, its relation to conscription, its possible relation to enforced industrial service.

BY MR BERKMAN

Q Tell us all he said, as far as you remember. A I believe--

BY THE COURT

Q You simply characterize what he did. What did he say of the legal aspects? A The particular question that seemed to be agitating the young men present at the meeting was this: "If we register, do we through registration come under military law?" and Mr Weinberger expressed both sides of that question; he explained the possible results of registration, as far as coming under military law was concerned.



## The Emma Goldman Papers

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Shelley

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Q What did he say? A He said that according to one opinion one might come under military law, and according to other opinions one would not come under military law. The conscientious objector might be tried under military law, but as far as I recollect that (inaudible \* \* \* \* \*) from not serving.

BY MR CONTENT

Q Did he state the legal effect of not registering?

A Yes.

Q What did he say about that? A As near as I recollect it, Mr Weinberger stated that if one refused to register he would be imprisoned for one ~~year~~ day to a year.

BY THE COURT

Q You say there were some young men there? A Yes.

Q What do you mean by "young men"? You mean young men in the 20's? A Young men in the 20's.

Q How many? A I should say there were 20 to 25 men in between 21 and 31.

Q The so-called registration age? A Yes.

Q (inaudible) A Yes.

Q Mr Weinberger gave them this yes or no opinion? A He gave the legal aspect of it, which was a question in the nature of a legal opinion--the legal opinion not being very clear, as he said it could not be determined whether or not young men would come under military law if they registered.

## The Emma Goldman Papers

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Shelley

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Q Let's get that clear. You may not be familiar with the exact technic. You say "military law." Was he referring to law enunoiated by the military law, or the law relating to the so-called draft act as administered by the civil authorities? I mean, what do you mean by "military law"? What did he say about that? Did he point out any distinction between "military" and "civil" law? A Yes. As I understood Mr Weinberger then, I believe one of the ~~man~~ questions at issue upon which he spoke was this: if a young man registered, then there was a possibility of calling upon those who were not taken for military service, for industrial service; and the question which a number of men asked was, "Can men subject to military law be drafted for industrial service; whether or not they are taken for military service; and if drafted for industrial service; must we go as under military law, or do we retain our civil rights, the right to refuse to work where we dont want to work?"

Q Now, that's a very clear statement. That is what you understood him to say, as I understand it? A Yes.

Q Was there any question asked by anybody at that meeting as to the legal effect of advising a person not to register?

A I have no distinct recollection of anything being said at that meeting.

Q Is it correct to say that there was no discussion upon that subject at all? A No, I think that would not be correct.

## The Emma Goldman Papers

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Shelley

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Q What discussion was there, so far as your memory serves you?

A As far as my recollection serves me, there was an appreciation of the fact--

Q Not appreciation of the fact. A Well, an appreciation expressed that advice not to register would land the person so advising in jail.

Q Who said that? A I don't remember who said it. I was careful to state there seemed to be an appreciation expressed.

Q Who said that, you don't remember? A No I don't recollect who said that.

Q Was there any discussion in addition to what you told us about actual service under the draft act? Was there anything more on that subject? A The ~~main~~ question of service under the draft act, with the possibility of conscription-- there was some discussion of ~~the~~ conscription.

Q What happened about that? No one expects you to remember the exact words, we only ask for your best recollection. A A number of men there expressed their opinions on conscription as being contrary to their convictions.

Q Was anything said then by anyone after the expression of opinion? A A number of men said that they were going to stand by their convictions.

Q That is to say, that they were going to refuse to do what? A I suppose it might be interpreted that they said they would refuse to be conscripted. The chief import of course of the

## The Emma Goldman Papers

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Shelley

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entire meeting was the discussion of registration; and that was my chief impression, I mean the chief impression carried away from the meeting. I scarcely think it is fair to expect me to remember what was said about conscription.

Q I have already indicated that you could only be expected to give your best recollection. Do you remember whether anyone there said, for instance Mr Weinberger or anybody else, in substance or in effect, that registration under this act was a necessary precedent step to the draft, or what you call conscription? Whether that was pointed out by anyone? A I don't quite understand what you mean by "necessary precedent."

Q Whether anybody pointed out that before under the act the government would ~~call~~ call upon those of the ages in question to serve in some capacity the act required the persons to be registered so as to have lists of those persons within the so-called draft age? A Yes, I think they recognized the fact that the government first wanted their names on the lists--

(inaudible)  
Q You think that was clearly stated at the meeting? A I wouldn't say that it was clearly stated. I think they understood; that that was the understanding, which was not necessarily clearly stated.

Q But you think that was clear at that meeting? A I think it was clear that the government felt (inaudible) before proceeding with the enforced draft.



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Shelley

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BY MR CONTENT

Q (inaudible)

he would not register himself? A There were various views expressed. I certainly don't remember any one young man who so stated.

Q I don't mean his name, I mean did anyone state that he would not register? A Yes I believe there might have been a number of people there.

Q I am not asking you for his name, or to incriminate anyone, you understand; I just want to know whether that view was expressed. A I think that view was expressed.

BY MISS GOLDMAN

Q May I ask whether you have any knowledge of Mr Weinberger being the counsel in chief of the American Legal Defense Society?

Q Yes, Mr Weinberger is the counsel for the American Legal Defense Society.

Q Having been connected with the Emergency Peace Society, do you know or do you not that Mr Harry Weinberger acted merely in his legal capacity when he was called upon? A Yes, I should say that he acted in a legal capacity in the sense of expressing a legal opinion when called upon.

Q Then, as I was not at the meeting on the 23rd I couldn't ask you as to his interpretation; but as far as you know, in connection with the Peace Society, is it or is it not true that Mr Harry Weinberger acted as the lawyer for the American Legal Defense Society? A yes that is true.

## The Emma Goldman Papers

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Shelley

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Q Do you or do you not know that Governor Whitman is an honorary member of that society? A I know that--

MR CONTENT: What's that got to do with it? He is an honorary member of so much, he cant remember.

THE COURT: It is utterly immaterial. We are not having a trial of the American Legal Defense Society.

Q May I underetand whether Mr Weinberger gave legal aspeote of the draft and conscription on the night when you were there? A He did.

BY MR BERKMAN

Q Do you remember Mr Harry Weinberger etating that refusal to be regietered is punishable by one year and fine, I believe?

THE COURT: She hae already testified from one day to one year.

Q And do you remember that some expressed an opinion that they would not register, and do you remember whether any opinion was expressed by any young men that they would regieter?

A yes, there were a number of young men there who dietinotly said that they expected to register, and to regieter ae con-scientious objectors.to the war.

Q And didnt we discuss at that meeting the question of con-scientious objection in connection with the draft law?

A yes I believe there was eome discussion of that.

Q Do you remember it being mentioned that the term is new in this country and that we wanted to present it to the people,

## The Emma Goldman Papers

850806197

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Shelley

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"conscientious objector"? A Yes.

BY MR CONTENT

Q In other words, some said they would register and some said they would not; there was a divergence of opinion, is that the point? A Yes.

RECESS TO 2:05 O'CLOCK

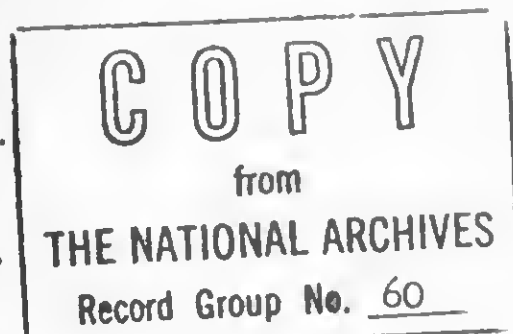
(Witness concluded)

# The Emma Goldman Papers

[Letter 1917] July 6, San Francisco [to] Thomas W[att] Gregory, Attorney General  
[Department of Justice], Washington, D.C. / Ettie Blum, Amelia P. Gates [et al.]. —  
2 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Ettie Blum, Amelia Gates, Malvine Judell, and Anna Chase petition the attorney general not to punish Goldman and Berkman for their anti-conscription work.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

San Francisco, California

July 6th

To The Hon. Thomas W. Gregory, Attorney General,  
United States Government, Washington, D. C.

Dear Sir:

We, the undersigned, non-anarchists, would respectfully urge upon your consideration the following facts and conditions in the cases of anarchists now under arrest by the Federal authorities, for their opposition to conscription:

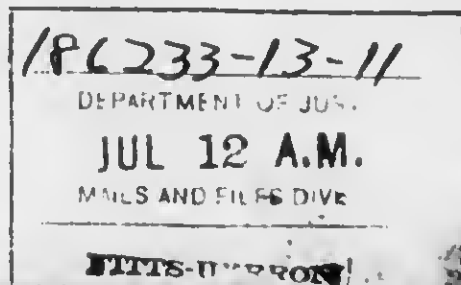
First, In most of these cases no motive of personal safety dictated the activity against conscription. This is true notably of Emma Goldman and Alexander Berkman, neither being subject to draft;

Second, Our government is based on the assumption that the minority shall always have the right of free speech and free agitation, in order to convert itself, if possible, into a majority. So jealously guarded were these rights by our forefathers that they were written into the Constitution as the price of its adoption by the thirteen original States; therefore, any attempt to interfere with the rights of free speech and free press is a blow at the very foundation of our government;

Third, Many loyal and patriotic Americans believe conscription to be unconstitutional and undemocratic, and that if sufficient educational propaganda work were carried on, the next Congress might repeal the law, as has happened many times before in the history of our country. In this connection, may we call to your attention the repeal of the Conscription Law, of Australia, by popular vote, in October, 1916, --in the midst of the war-- as the result of an educational campaign and without any charges of treason by the Australian government.

If then, severe measures are taken against these two conspicuous anarchists, we feel that they will appear to have been selected for punishment rather for their general convictions and reputation in the newspapers than for their activity against the conscription measure; for however we may

THU 8 1 30 AM





# The Emma Goldman Papers

[Letter 1917] July 6, San Francisco [to] Thomas W[att] Gregory, Attorney General  
[Department of Justice], Washington, D.C. / Ettie Blum, Amelia P. Gates [et al.]. -  
2 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Ettie Blum, Amelia Gates, Malvine Judell, and Anna Chase petition the attorney general not to  
punish Goldman and Berkman for their anti-conscription work.

COPY

from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

Page Two --Hon. Thomas W. Gregory.

view it, this measure has time and again stirred other  
countries to their depths, was deprecated or actively  
opposed by thousands of loyal Americans during our  
Civil War, and is again deprecated and actively opposed  
by thousands of loyal Americans at the present time.

Respectfully submitted,

Ettie Blum

Dr. Amelia P. Gates

Dr. Malvine Judell

Anna E. Chase

704-Broad St.  
#20-2nd

860 Hyde St. S.F. Cal.

246 Powell St. S.F. Cal.

757 Douglas St.

# The Emma Goldman Papers

[Agent Report In re:] United States vs Emma Goldman and Alexander Berkman—  
Anti-Conscription Matter, New York, 1917 July 6 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 27 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker serves a subpoena for the prosecution in Goldman and Berkman's trial.

Notes: Broken type; barely legible.

REPORT Form No. 1

REPORT MADE BY: <b>J. G. Tucker.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>July 6, 1917.</b>	<b>June 28.</b>
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:  <b>UNITED STATES VS. EMMA GOLDMAN AND ALEXANDER BERKMAN. ANTI-CONSCRIPTION MATTER.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.  <div style="text-align: center;">15446</div> Was engaged, under direction of Division Superintendent Offley, assisting Assistant U. S. Attorney Content in the above matter.  During the day I also served duces tecum subpoena on <u>Charles L. LoCord</u> , Manager of the Harlem Branch of the <u>New York Produce Exchange Bank</u> , 116th St. and Third Ave.			
COPY OF THIS REPORT FURNISHED TO:  <div style="text-align: center;">-2-</div>			

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486

# The Emma Goldman Papers

[Agent Report] In re: I.W.W. activities in Duluth and vicinity [Chicago] 1917 July 7 [excerpt] / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. -- 4 p. ; 34 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Clabaugh's report on I.W.W. activities in Duluth, Minn., notes that Elizabeth Gurley Flynn plans to go to New York to help Emma Goldman.

Notes: Light copy.

REPORT FORM NO. 2

In re I.W.W. activities in Duluth and vicinity. H.G. Clabaugh for July 7, 1917

following week. He was asked where they would get the money to finance a strike of such magnitude and Laukki replied in a significant way that they would get the money all right and all they needed. I inferred he meant that the Butte miners would get money from the German Government to carry on the strike. Laukki is well acquainted with a number of prominent Socialists and some Russian Socialists, also with a number of Socialists who went from Germany to Russia before the recent trouble in Russia. Laukki and Haywood are close friends. A short time ago Laukki went to Chicago and Haywood gave him an I.W.W. card, also a label for his paper, the Industrialist. Haywood has about \$16,000 on hand, but this money belongs to the I.W.W. organization, and cannot be used for financing a strike.

"It is stated by the officers of the I.W.W. that the farmers of North Dakota are going to send a representative to Minneapolis, Minn., about July 8, to formulate an agreement with the I.W.W. so that the latter will have control of the harvest work. This agreement will prevent any who are not members of the I.W.W. from working in the harvest fields. From a letter written by Forrest Edwards and one from Attorney Siegel, I learned that the I.W.W. wants to make this contract with the farmers in order that the members may avoid military service."

The following are excerpts from reports of one of our representatives, who is in close touch with the affairs of the I.W.W. at Duluth, Minn., and Superior, Wis.

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# The Emma Goldman Papers

[Agent Report] In re: I.W.W. activities in Duluth and vicinity [Chicago] 1917 July 7 [excerpt] / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 4 p. ; 34 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Clabaugh's report on I.W.W. activities in Duluth, Minn., notes that Elizabeth Gurley Flynn plans to go to New York to help Emma Goldman.

Notes: Light copy.

REPORT FORM NO. 2

In re I.W.W. Activities at Duluth, Minn. H.G. Clabaugh for July 7, 1917

On June 26th, while in the court room at Duluth, during Thorne's trial, I met Jacobson and after recess we came across Lankki. During the conversation Lankki expressed dissatisfaction with the manner in which Thorne's case was being handled. He remarked that this country was worse than Russia and said it was up to the workers to rebel.

Later Jacobson showed me a letter which he had written to Heywood, asking for \$500.00 for expenses.

On June 27th, Miss Flynn called at the I.W.W. office. She said the postmaster at Duluth was arranging to have the case against her set aside, if she would leave the state and not return, and if the plan proved successful, she was going to New York to assist Emma Goldman.

In reference to the miners who are on a strike at Butte, Min., Jacobson stated that that branch of the I.W.W. was the same as on the Mesaba Range, and were guided by the Chicago headquarters of the I.W.W. direct. He said they were called the Metal Mine Workers to prevent the mining operators from knowing that it was an I.W.W. organization.

On June 28th, the case against Miss Flynn was set aside and she left for Chicago at 5:30 P.M. She told me that she would never return to Minnesota and she thought she would turn in her I.W.W. card and sever her connection with the organization permanently. She remarked that Jacobson was a fool for issuing that anti-war circular on Minnesota Iron Ranges and said he would surely be sent to prison for it.

A number of letters had previously been sent to

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# The Emma Goldman Papers

[Agent Report] In re: I.W.W. activities in Duluth and vicinity [Chicago] 1917 July 7 [excerpt] / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 4 p. ; 34 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Clabaugh's report on I.W.W. activities in Duluth, Minn., notes that Elizabeth Gurley Flynn plans to go to New York to help Emma Goldman.

Notes: Light copy.

REPORT FORM NO. 2

In re I.W.W. activities Duluth, Minn. Chicago, H.G. Clabaugh

for July 7/17/10

Haywood asking for financial assistance. He replied that he had wired \$100.00 for bail for Miss Flynn and that he would send money to Attorney Fred Moore sufficient to defend the cases in Duluth and vicinity.

Watson has in his possession a circular bulletin and also a letter from Spokane, asking him to call a general strike in the lumber industry for an eight hour day, the same as the lumber strike throughout the west.

On June 23th, I went to the office of the Industrialist and met Jacobson. In speaking about the trials he said he believed he would be re-arrested on a Federal charge in connection with the anti-draft circular, but he said he was sure he could beat the case in court, as he could prove that he did not send out the circular. He said that about 500 or 600 men on the Mesaba and Cuyuna Ranges did not register and that the Government would have a hard time to find all of them.

Smith was convicted in Judge Smallwood's court and sentenced to 85 days in jail. At the request of his attorney a ten days stay was granted and an appeal will be taken. Schanger, one of the witnesses for the defense was taken to the New Duluth jail and kept there the night before the trial. When attorney Slonin heard of this he characterized it as a case of kidnaping and stated in court that he would bring charges and a suit against those who were responsible for the act.

In the evening, an I.W.W. meeting was held in Superior. The members were afraid that if they held

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# The Emma Goldman Papers

[Agent Report] In re: I.W.W. activities in Duluth and vicinity [Chicago] 1917 July 7 [excerpt] / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 4 p. ; 34 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

**Summary:** Clabaugh's report on I.W.W. activities in Duluth, Minn., notes that Elizabeth Gurley Flynn plans to go to New York to help Emma Goldman.

**Notes:** Light copy.

REPORT FORM NO. 2

OFFICE CHIEF OF STAFF  
MARSHALL DIVISION

H.G. Clabaugh for July 7, 1917

In re I.W.W. at Duluth, Minn.

it in Duluth, the police would close the hall. Watson and Thorne were made members of the Defense Committee. All five of the committeemen will draw \$18.00 per week. Every member of the I.W.W. in this section condemns the conscription law and not one will go to war if they can possibly evade the law."

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# The Emma Goldman Papers

[Agent Report] In re: I.W.W. Activities, San Francisco, 1917 July 9 / Do[n] S. Rathbun [Agent, Bureau of Investigation, Department of Justice]. — 2 p.; 36 x 22 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 165.  
 Summary: Agent Rathbun's general report on I.W.W. activities in San Francisco notes that the anarchists are trying to buy up the scarce copies of the June issue of *Mother Earth*.  
 Notes: Broken type.

REPORT FORM NO. 2

JUL 12 1917

81-04-0231

Do S. Rathbun

San Francisco

July 9, 1917. July 3, 1917.

In Re: I. W. W. ACTIVITIES.

At San Francisco.

10110-106

WAR DEPARTMENT

Agent called at the office of Mr. Frank Drew, Attorney for the Law & Order Committee of the San Francisco Chamber of Commerce and discussed I.W.W. matters with him. Mr. Drew gave Agent a copy of "Mother Earth" for June, 1917, which he stated is very scarce now and which the Anarchists are trying to buy up. This magazine accompanies the original of this report and contains a number of articles by Emma Goldman and Ben Reitman and other Anarchists. The most important article so far as Agent could observe was the one entitled "The No-Conscription League" on Page 112.

Mr. Drew stated that he had received information that 300 Russian revolutionists had left the United States for Russia thru San Francisco. Agent would state here that as previously reported the Russian Consul advised Agent that he has information concerning the personality of most of the returning Russians and that he would call Agent's attention to any Russians whom he believed to be dangerous to the establishment of a stable government by the revolutionary party in Russia and opposed to the continuation of the war.

Mr. Drew called Agent's attention to information which he had received from a very confidential source that a letter was read at a recent meeting of some of the leading I.W.W.s in San Francisco which letter was from George Andrechine, an Anarchist of Chicago. He stated that Andrechine had recently been arrested by the Chicago Police and that at the time of his arrest he had hidden in the lining of his coat a letter from Robert Miner, now in San Francisco. On account of the way this letter was concealed the Police did not find it.

The letter stated that Andrechine has information that a revolution is being planned in the U. S. Att-S. F.

• 7-871

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# The Emma Goldman Papers

[Agent Report] In re: I.W.W. Activities, San Francisco, 1917 July 9 / Do[n] S. Rathbun [Agent, Bureau of Investigation, Department of Justice].— 2 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Rathbun's general report on I.W.W. activities in San Francisco notes that the anarchists are trying to buy up the scarce copies of the June issue of *Mother Earth*.

Notes: Broken type.

Form No. 2

-7-

Don S. Rathbun

July 9, 1917.

July 3, 1917.

In Re: I. W. W. ACTIVITIES.

lution is pending in France but that news of this revolution is being suppressed by the newspapers.

Andrechine asked for a copy of a photograph of Mrs. Mooney to be published in a paper which Andrechine edits in Chicago.

Andrechine mentions that a revolutionary newspaper is to be started at Vladivostok. He stated that he would like to do something which would result in his being deported so that he could get back to Russia. He also stated that some of the immigrants returning to Russia are taking with them type and other materials for printing revolutionary papers.

• 7—871

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## The Emma Goldman Papers

[Letter] 1917 July 9, Washington, D.C. [to] Harry Weinberger, New York / J.J. Southerland, Acting Solicitor, Post Office Department. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** The acting postal solicitor informs Weinberger that the New York postmaster is not holding up Goldman's mail.

**Notes:** Dark copy. Reply to 810128109 and 850712394. For related document, see 850712395.

A-46647-W

**Post Office Department**  
**OFFICE OF THE SOLICITOR**  
**Washington**

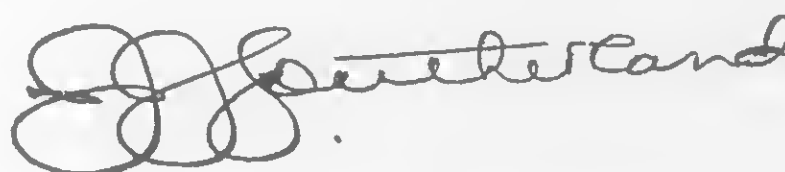
July 9, 1917.

Mr. Harry Weinberger,  
261 Broadway,  
New York, New York.

Sir:

In reply to your two communications of the 28th ultimo, I beg to advise you that the postmaster at New York has informed this Office that "no instructions have been given to withhold from delivery mail addressed as described, and there has been no interference with it in any way by this office."

Respectfully,

Acting Solicitor.

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# The Emma Goldman Papers

United States v. Goldman [& Berkman: Summary of Proceedings] 1917 July 9 / Julius M. Mayer, Judge, U[nited] S[tates] District Court, Southern District of New York. — 2 p.; 28 × 21 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: The District Court Clerk summarizes the charges against Goldman and Berkman, the sentences imposed, and the daily proceedings at trial.

Notes: Bracketed date by Yale University Library.

COPY

[Jul. 9, 1917]

At a stated Term of the District Court of the United States of America, for the Southern District of New York, in the Second Circuit, held at the United States Court Rooms, in the Borough of Manhattan, City of New York, on the 9th day of July in the year of our Lord one thousand nine hundred and seventeen.

## PRESENT:

The Honorable Julius M. Mayer,  
Judge.

THE UNITED STATES

VS

Emma Goldman

U.S. CRIMINAL CODE.

37.332, and Act of May 18 1917.

Conspiracy to induce persons not to register.

On motion of the United States Attorney, Ordered sentence.

The Court thereupon proceeds to pass judgment, and sentence the prisoner Emma Goldman, to be imprisoned for a term of two years, and to pay a fine of ten thousand dollars, and to stand committed until fine be paid or she is otherwise discharged according to law.

Sentence to be executed at the Missouri State Penitentiary, Jefferson City, Mo.

An extract from the minutes.

Julius M. Mayer,  
U.S.D.J.

## The Emma Goldman Papers

United States v. Goldman [& Berkman: Summary of Proceedings] 1917 July 9 / Julius M. Mayer, Judge, U[nited] S[tates] District Court, Southern District of New York. — 2 p. ; 28 x 21 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: The District Court Clerk summarizes the charges against Goldman and Berkman, the sentences imposed, and the daily proceedings at trial.

Notes: Bracketed date by Yale University Library.

(Endorsed)

1917:

Jun 21 Defts. plead not guilty. Bail fixed in sum of \$25,000. each.  
Wed. next for trial.

27 On mo. of U. S. Atty. Ordered trial.

28 Examn. of talesmen continued.

29 Trial begun to July 2, 1917.

July 2 " Continued

3 " "

5 " "

6 " "

9 Trial concluded. Verdict—defendants guilty as charged.

9 Emma Goldman sentenced Two yrs. & Ten thousand dollars fine,  
and to stand committed, etc., Mo. State Pen.,  
Jefferson City, Mo.

9 Alexander Berkman sentenced—two yrs & fine of Ten thousand  
dollars & to stand committed etc., U. S. Pen.  
Atlanta, Ga.

J. M. MAYER, J.

CG-474. U. S. District Court. The United States of America  
vs EMMA GOLDMAN and ALEXANDER BERKMAN. INDICTMENT.  
Conspiracy to induce persons not to register. Secs.  
37 and 332 U. S. C. C. and Sec. 5 of the Act of May 18,  
1917. Francis G. Caffey, U. S. Attorney. A True Bill:  
Geo. N. Taylor, Foreman. U. S. District Court, S. D.  
of N. Y., Filed Jun 1, 1917.

# The Emma Goldman Papers

[Letter] 1917 July 10, Washington, D.C. [to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / R[alph] H. Van Deman, Chief, Military Intelligence [Division] War Department. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Van Deman instructs Bielaski to have Agent McGee trace the \$2,400 check that Goldman deposited in her bank account.

Notes: For reply, see 880603076.

WAR COLLEGE DIVISION

10110-74

WAR DEPARTMENT

OFFICE OF THE CHIEF OF STAFF  
WASHINGTON

July 10, 1917.

Mr. A. Bruce Bielaski, Chief,  
Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

RECEIVED  
JUL 13 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

Dear Mr. Bielaski:

Referring to the report made by Agent T. J. McGee, New York City, June 29, 1917, with reference to Emma Goldman and Alexander Berkman.

I note that agent reports that on June 14, 1917, Goldman deposited with the Harlem Branch, of the New York Produce Exchange, \$2400.00 payable to the order of herself.

The agent should ascertain whether the deposit was made by check or in cash. If the former, the check should be traced, and if the latter, it is desirable to know whether the deposit was made in bills of large or small denomination.

Sincerely yours,

*R. H. Van Deman*

Major, General Staff,  
Chief, Military Intelligence Section.

ld

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# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: [Affidavit] 1917 July 10 [in support of motion to return bail] / Harry Weinberger. -- 1 p. ; 28 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger explains why the District Court should return Goldman and Berkman's bail.

Notes: Broken type. Enclosed with 850806199 and 871111001.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

-----X  
THE UNITED STATES,

Plaintiff,

-against-

ALEXANDER BERKMAN and EMMA GOLDMAN,

Defendants.  
-----X

CITY AND COUNTY OF NEW YORK: SS:

HARRY WEINBERGER being duly sworn deposes and says: that on the 21st day of June, 1917, I deposited \$25,000. as cash bail with the clerk of the court for Emma Goldman. On the 25th day of June, 1917, I deposited \$25,000.00 cash bail with the clerk of the court for Alexander Berkman. Said moneys was deposited by me. Said moneys are not the property of either of the defendants. Said money was loaned to me by more than 13 people for the purpose of bail only.

Said property not belonging to defendants Alexander Berkman and Emma Goldman I respectfully ask that Alexander Gilchrist, Jr. clerk of the United States District Court for the Southern District of New York be ordered to return said \$50,000. to me.

Sworn to before me this

10th day of July, 1917.

*Robert Cohen*

*Harry Weinberger*

# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: [Notice of Motion] 1917 July 10 [for return of bail] / Harry Weinberger. — 1 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

**Summary:** Weinberger notifies Francis Caffey that he will ask the District Court to return Goldman and Berkman's bail.

**Notes:** Broken type. Enclosed with 871111000 and 871111001.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

----- A  
THE UNITED STATES,

Plaintiff,

-against-

ALEXANDER BERKMAN and EMMA GOLDMAN,

Defendants.  
----- X

PLEASE TAKE NOTICE that<sup>on</sup> the annexed affidavit of Harry Weinberger I will move this court on the 11th day of July, 1917, at 10.30 A. M. o'clock or as soon thereafter as counsel can be heard before Justice Julius M. Mayer, for an order directing Alexander Gilchrist, Jr. clerk of the United States District Court for the Southern District of New York, to pay to me \$50,000. deposited by me on the 21st and 25th days of June, 1917, respectively.  
Dated, New York, July 10th, 1917.

Yours, etc.

HARRY WEINBERGER,  
Attorney for Defendants,  
Office & Post Office Address,  
261 Broadway,  
Borough of Manhattan, New York City.

TO: FRANCIS G. CAFFEY, ESQ.,  
United States District Attorney,  
Post Office Building,  
New York City.

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# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Affidavit & Notice of Motion, 1917 July 10  
[for return of bail (cover page)] / Harry Weinberger. — 1 p. ; 22 × 19 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger sends his affidavit and notice of a motion to refund bail to Francis Caffey.

Notes: For enclosures, see 850806203 and 8711110000.

## NOTICE OF ENTRY

CLERK'S INDEX NO.

YEAR

Sir:—

Please take notice that the within is  
a true copy of a \_\_\_\_\_  
this day duly filed and entered in the office of  
the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &amp;c.,

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

## NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of  
which the within is a true copy, will be pre-  
sented for settlement and entry herein to  
Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of  
this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of  
\_\_\_\_\_ in the City of New York,

on the \_\_\_\_\_ day of \_\_\_\_\_ 191

at \_\_\_\_\_ o'clock, in the forenoon or as soon  
thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &amp;c.,

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK.

THE UNITED STATES,

Plaintiff

against

ALEXANDER BERKMAN and EMMA  
GOLDMAN,

Defendants.

ORIGINAL

AFFIDAVIT AND NOTICE OF  
MOTION.

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_ Defendants.

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the

within \_\_\_\_\_ received

July 10. 1917, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for Francis J. Caffey

Attorney.

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# The Emma Goldman Papers

[Agent Report In re:] U.S. vs. Alexander Berkman and Emma Goldman—Anti Conscription Matter, New York, 1917 July 10 / P. Pignuolo [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 26 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Having attended Goldman and Berkman's trial, Agent Pignuolo reports on their sentencing, their criminal records, and their citizenship status.

Notes: Broken type; light copy.

REPORT MADE BY: <u>P. Pignuolo</u>	PLACE WHERE MADE: <u>New York City</u>	DATE WHEN MADE: <u>July 10-17</u>	PERIOD FOR WHICH MADE: <u>July 10</u>
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION <u>U. S. VS. ALEXANDER BERKMAN AND EMMA GOLDMAN</u> <u>Anti Conscription Matter.</u>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, GOODS AND APPROPRIATE OF PERSONS INTERVIEWED, PLACES VISITED, ETC.  <p>Was engaged during this day at the trial of the above named Defendants. They were both found guilty and <u>Berkman</u> was sentenced to serve two years in the Atlanta Penitentiary and fined \$10,000. <u>Emma Goldman</u> was sentenced to two years at the Jefferson Prison, in Missouri and also fined \$10,000. <u>Judge Mayer</u> requested Asst. U. S. Attorney <u>Content</u> to call the attention of the Immigration Department to these Defendants so that they might be deported when their sentence is completed. <u>Berkman's</u> record shows that he was convicted in Pittsburgh, Pa. in 1892 for attempted murder, he having shot one <u>Frick</u>, in the city of Pittsburgh, and was sentenced to serve 20 years in the Western Penitentiary. <u>Emma Goldman's</u> record shows that she was arrested many times in New York and on one occasion was given a sentence of one year on Blackwells Island for inciting riots. <u>Berkman</u> stated that he was born in <u>St. Petersburg, Russia</u> about 48 years ago, and that he was not a U. S. citizen. <u>Emma Goldman</u> stated that she was born in <u>Kovno, Russia</u> and was not a U. S. citizen by application but derived her rights through her father's naturalization.</p>			
COPY OF THIS REPORT FURNISHED TO:  -2-			

RECEIVED  
JUL 10 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

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500



# The Emma Goldman Papers

[Letter] 1917 July 11, New York [to Thomas Watt Gregory] Attorney General  
[Department of Justice], Washington, D.C. / Francis G. Caffey, United States Attorney,  
Department of Justice. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey informs the attorney general of Goldman and Berkman's conviction. He commends the  
prosecuting attorney, Harold Content, and encloses a letter from Judge Mayer praising Content.

Notes: Handwritten postscript in shorthand. For enclosure, see 810113025. For reply, see 810113023.

**COPY**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

United States Attorney's Office

New York

July 11, 1917.

*Respectfully referred  
to Mr. Graham  
Herron*

Dear Mr. Attorney General:

The cases of United States v. Louis Kramer and Morris Becker,  
United States v. Owen Cattell and Charles Francis Phillips, and  
United States v. Emma Goldman and Alexander Berkman, charged with  
conspiracies to induce persons of conscriptable age not to register  
under the Selective Draft Act of May 18, 1917, have now been con-  
cluded in the District Court here. Convictions were obtained in  
each instance. Mr. Harold A. Content, one of the Assistants in  
this office, conducted the trials for the Government. The Honor-  
able Julius M. Mayer, District Judge, presided. I received from  
him a letter of July 11, 1917, commending the manner in which Mr.  
Content took care of the interests of the Government. What Judge  
Mayer says confirms the opinion that I had myself formed about  
the matter. I take pleasure in enclosing a copy of Judge Mayer's  
letter.

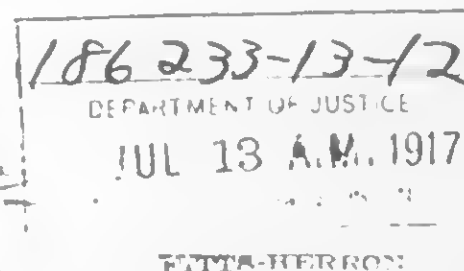
Sincerely yours,

*Francis G. Caffey*

United States Attorney.

The Attorney General,

Washington, D. C.



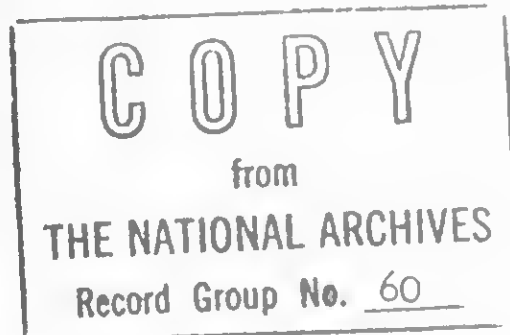
# The Emma Goldman Papers

[Letter] 1917 July 11 [New York to] Francis G. Caffey, United States Attorney [Department of Justice], New York / Julius M. Mayer, Judge, United States District Court. — 1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Judge Mayer praises Attorney Content's performance in Goldman and Berkman's anti-conscription trial.

**Notes:** Enclosed with 810113024.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

--: COPY:--

UNITED STATES DISTRICT COURT  
Chambers of Judge Mayer

July 11, 1917.

Hon. Francis G. Caffey,  
United States Attorney,  
New York City.

My dear Col. Caffey:

I feel it my duty, as well as a great pleasure, to tell you of the great ability and unremitting industry of Mr. Content in the series of trials which have just concluded. He has conducted himself with much self-control and tact. He presented his facts in lawyer-like fashion and summed up his cases in a manner worthy of the ablest and most experienced men at our bar. I consider that he has rendered service of a very high order and I know, as head of the office, that you will be glad to hear this.

I shall also be pleased, if you think appropriate, if you will send a copy of my letter to you to the Attorney General.

Sincerely yours,

(Signed) JULIUS M. MAYER,

District Judge.

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502

# The Emma Goldman Papers

[Letter, 1917] July 11 en route to [Jefferson City, Mo. to] Lill[ian] Kisliuk, Washington, D.C. (government transcript) / Emma [Goldman]. — 3 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Someone prepares a paraphrased transcript of Goldman's letter to Kisliuk, which Goldman wrote on the train to prison.

Notes: Light copy; barely legible. For original letter, see 880603068. For government transcript of original, see 880603069.

En route to my new home  
July 11 -  
I don't like -

A person through  
Washington early in my way  
to my new home - troubled -  
in state during some with  
body in waiting & man - almost  
a travelling companion -

Our trial ended as we  
expected - Have we not always  
known there is no justice  
in the American courts.  
The main thing is we  
travel as men before -  
We have no regrets. Our sorrow  
is that I am not to be in

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503

# The Emma Goldman Papers

[Letter, 1917] July 11 en route to [Jefferson City, Mo. to] Lill[ian Kisluk, Washington, D.C. (government transcript)] / Emma [Goldman]. — 3 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Someone prepares a paraphrased transcript of Goldman's letter to Kisluk, which Goldman wrote on the train to prison.

Notes: Light copy; barely legible. For original letter, see 880603068. For government transcript of original, see 880603069.

The same person as Alex -  
 wrote to each of us after letter  
 was written to them in  
 prison.  
 Thank you for your -  
 the proceedings of our trial  
 are to be published right  
 away - an important docu-  
 ment. Wish sales could  
 be seen to reasonably and  
 money raised for that  
 purpose. May~~be~~ Annie W.  
 would undertake to do it?  
 I cannot write her, so please see  
 about it.

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# The Emma Goldman Papers

[Letter, 1917] July 11 en route to [Jefferson City, Mo. to] Lillian Kisluk, Washington, D.C. (government transcript) / Emma [Goldman]. — 3 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Someone prepares a paraphrased transcript of Goldman's letter to Kisluk, which Goldman wrote on the train to prison.

**Notes:** Light copy; barely legible. For original letter, see 880603068. For government transcript of original, see 880603069.

I will appreciate it greatly if  
 she will make of our sale  
 the most useful report for our  
 publication and appeal  
 See and Alice  
 Paul and young lady we met  
 that day.

Emma —

1. D. J.

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505

# The Emma Goldman Papers

[Letter, 1917] July 11, en route to [Jefferson City, Mo. to] Lill[ian] Kisliuk, Washington, D.C. (government transcript) / Emma Goldman.— 2 p. ; 26 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Notes: Two shots of one page. For related documents, see 810331025 and 880603070. Government transcript of 880603068.

RE: EMMA GOLDMAN.

En Route to my "New Home", July 11th.

Dearest Lill:

Yesterday early morning, when you were still asleep I passed through your city on my way to the prison which is to be my home for the next two years. Never did I get to Washington in quite such a grand style. In a drawing room with a "Lady in Waiting" and a man servant as traveling companions. Some style, I tell you.

Our trial ended as we expected. Have we not always known there is no justice in the American courts? The main thing is the propaganda. We have done that as never before. We have no regrets whatever.

The one sorry is that I was not permitted to go to the same prison with Alex. No women are sent to Atlanta. Our friends will now have a double task to write Berk and myself separately. I hope you will all do it often. Letters mean so much in prison.

I received your letter and the check. Thank you dearie. The proceedings of our trial are to be published right away. They will make an important historic document. I am sure if our Washington sales could be seen personally, money could be raised for that purpose. May Anna F. would undertake to do it? I cannot write her separately, but you might let her read this letter. I want you to give her and Rap (or Pap) my love. Any way, ask A to write me. Tell her I will appreciate greatly if she would make a canvas of our sales. We will need support for the publication of the trial and also the appeal. Mrs. Vernon Mrs. Gene might do something. She ought also to see Alice Paul & Hand Younger whom we met Saturday.

Much love to you my dear. I suppose you expect your baby every day now.

Devotedly, E.

Affectionate greetings to mother and father, Phil Rose and the league (?). Remember me to Margie and the

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506

# The Emma Goldman Papers

[Letter, 1917] July 11, en route to [Jefferson City, Mo. to] Lill[ian Kisliuk, Washington, D.C. (government transcript)] / Emma Goldman.— 2 p. ; 26 × 19 cm.

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Our trial ended as we expected. Have we not always known there is no justice in the American courts? The main thing is the propaganda. We have done that as never before. We have no regrets whatever.

The one sorry is that I was not permitted to go to the same prison with Alex. No women are sent to Atlanta. Our friends will now have a double task to write Berk and myself separately. I hope you will all do it often. Letters mean so much in prison.

I received your letter and the check. Thank you dearie. The proceedings of our trial are to be published right away. They will make an important historic document. I am sure if our Washington sales could be seen personally, money could be raised for that purpose. May Anna W. would undertake to do it? I cannot write her separately, but you might let her read this letter. I want you to give her and Rap (or Pap) my love. Any way, ask A to write me. Tell her I will appreciate greatly if she would make a canvas of our sales. We will need support for the publication of the trial and also the appeal. Mrs. Vernon Mrs. Kane might do something. She ought also to see Alice Paul & Maud Younger whom we met Saturday.

Much love to you my dear. I suppose you expect your baby every day now.

Devotedly, E.

Affectionate greetings to mother and father and the league (?). Remember me to Wagner and the

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507

# The Emma Goldman Papers

[Letter] 1917 July 11, en route to [Jefferson City, Mo. to] Lil[lian] Kisliuk, Washington, D.C.] / E[mma Goldman]. — 6 p. ; 28 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Notes: Light copy; portions illegible. Six shots of three pages. Enclosed with 880603067. For related documents, see 880603070 and 810331025. For government transcript, see 880603069.

*[The body of the letter is extremely faint and largely illegible due to the quality of the photocopy. It appears to be a handwritten letter on lined paper.]*

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508



## The Emma Goldman Papers

[Letter] 1917 July 11, en route to [Jefferson City, Mo. to] Lil[lian] Kisliuk, Washington, D.C.] / E[mma Goldman]. — 6 p. ; 28 × 20 cm.

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509

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[Letter] 1917 July 11, en route to [Jefferson City, Mo. to] Lil[lian Kisluk, Washington, D.C.] / E[mma Goldman]. — 6 p. ; 28 × 20 cm.

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*[The body of the letter is extremely faint and illegible due to the quality of the photocopy. It appears to be a handwritten letter on a single sheet of paper.]*

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510



# The Emma Goldman Papers

[Letter] 1917 July 11, en route to [Jefferson City, Mo. to] Lil[lian Kisluk, Washington, D.C.] / E[mma Goldman]. — 6 p. ; 28 × 20 cm.

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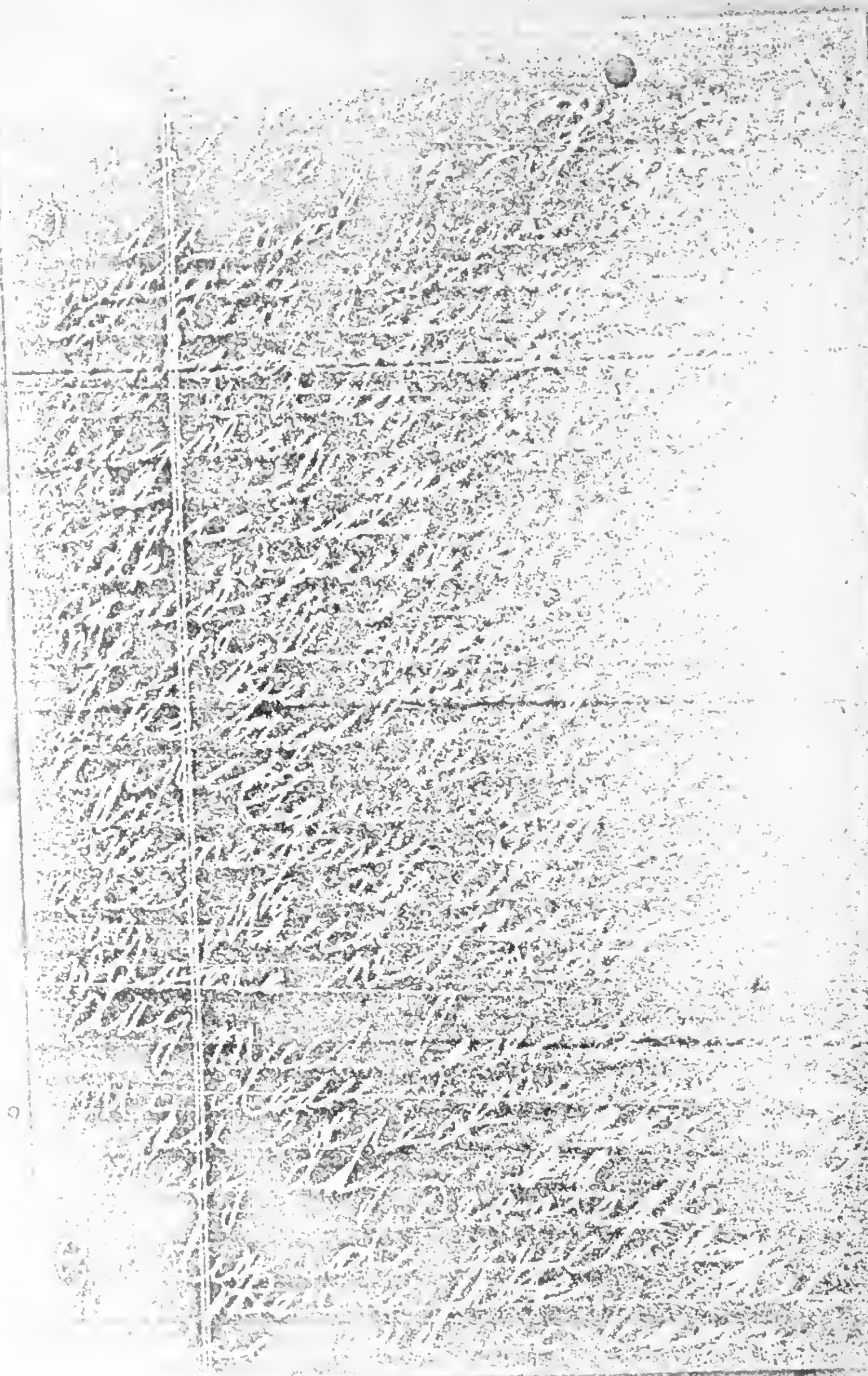
511

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[Letter] 1917 July 11, en route to [Jefferson City, Mo. to] Lil[lian Kisluk, Washington, D.C.] / E[mma Goldman]. — 6 p. ; 28 × 20 cm.

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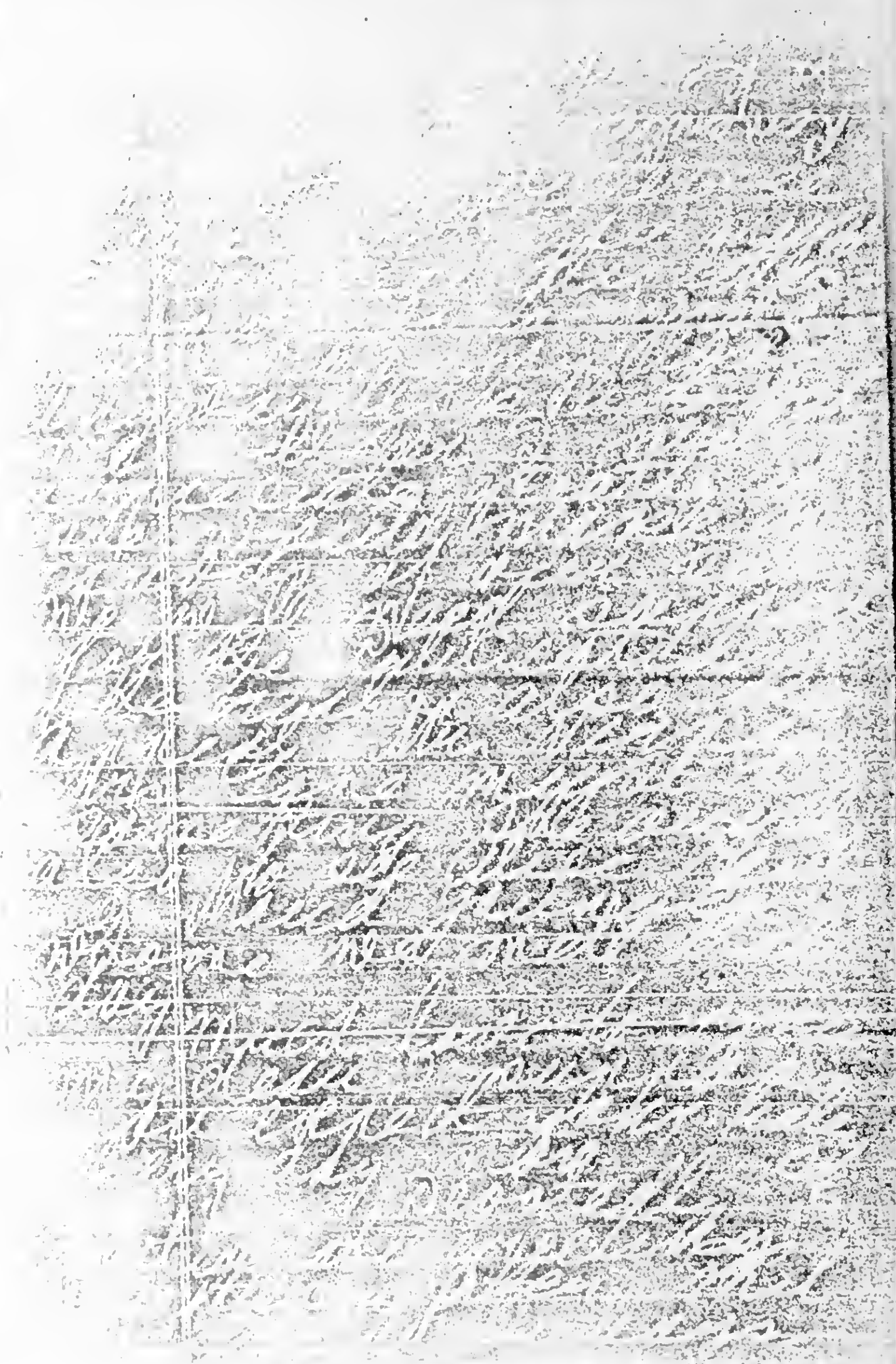


## The Emma Goldman Papers

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*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Light copy; portions illegible. Six shots of three pages. Enclosed with 880603067. For related documents, see 880603070 and 810331025. For government transcript, see 880603069.



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## The Emma Goldman Papers

[Envelope] 1917 July 11, St. Louis, Mo. [to] Lillian Kisliuk, Washington, D.C. /  
[Emma Goldman]. — 2 p. ; 14 × 16 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Light copy; portions illegible. For enclosure, see 880603068.



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# The Emma Goldman Papers

[Envelope] 1917 July 11, St. Louis, Mo. [to] Lillian Kisliuk, Washington, D.C. /  
[Emma Goldman]. — 2 p. ; 14 × 16 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Notes:** Light copy; portions illegible. For enclosure, see 880603068.

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# The Emma Goldman Papers

[Agent Report In re:] United States vs. Emma Goldman and Alexander Berkman — Anti-Conscription Matter, New York, 1917 July 11 / J.G. Tucker [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Tucker reports on Goldman and Berkman's sentencing.

Notes: Broken type; light copy.

REPORT MADE BY: <b>J. G. Tucker.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>July 11, 1917.</b>	PERIOD FOR WHICH MADE: <b>July 9.</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>UNITED STATES VS. EMMA GOLDMAN AND ALEXANDER BERKMAN, ANTI-CONSCRIPTION MATTER.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:  <div style="text-align: right; font-weight: bold;">15446</div> <div style="text-align: right; border: 1px solid black; padding: 5px; transform: rotate(-5deg);"> RECEIVED JUL 18 1917 Bureau of Investigation Department of Justice </div> <p>was engaged during the entire day of Division Superintendent Offley, with Assistant U. S. Attorney Content. At 6:30 P. M., both defendants were found guilty and sentenced to two years' imprisonment and \$10,000 fine each, <u>Berkman</u> being ordered to Atlanta Penitentiary and <u>Emma Goldman</u> to the Penitentiary at Jefferson City, Mo.</p>			
COPY OF THIS REPORT FURNISHED TO:			



## The Emma Goldman Papers

[Letter] 1917 July 12, New York [to] Frederic C. Howe, Commissioner of Immigration [Department of Labor], Ellis Island, N.Y. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 4 p. ; 26 x 21 cm.

Obtained from the Immigration and Naturalization Service via FOIA.

Summary: Caffey urges Howe to deport Goldman and Berkman after they have served their prison sentences. He summarizes the evidence of Goldman's citizenship and concludes that she is an alien, subject to deportation for advocating anarchy.

Notes: For enclosed transcript, see 830214126. For other enclosures, see 830214166, 830214168, and 830214183. For transcription, see 810113050.

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

*U. S. A. C.*

18365

Department of Justice

United States Attorney's Office

New York

HCM

July 12, 1917.

Hon. Frederic C. Howe,  
Commissioner of Immigration,  
Ellis Island, N.Y.

S i r:

On July 9, 1917, Emma Goldman and Alexander Berkman were convicted in the United States District Court for the Southern District of New York of having conspired to violate the provisions of the Selective Draft Act of May 18, 1917. The defendant Emma Goldman was sentenced to pay a fine of \$10,000 and to serve two years in the State Penitentiary at Jefferson City, Mo; the defendant Berkman was sentenced to pay a fine of \$10,000 and to serve two years in the United States Penitentiary at Atlanta, Ga. Neither defendant took the stand in his or her own behalf, but just prior to the imposition of sentence, the Clerk of the Court took the pedigrees of the defendants, and I enclose herewith copy of the same. From this you will observe that Alexander Berkman was born in Russia and is not a citizen of the United States; in other words, he is still an alien. The defendant Emma Goldman stated that she

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## The Emma Goldman Papers

[Letter] 1917 July 12, New York [to] Frederic C. Howe, Commissioner of Immigration [Department of Labor], Ellis Island, N.Y. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 4 p.; 26 x 21 cm.

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H A C  
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HCM

Hon. Frederic C. Howe,

-3-

July 12, 1917.

was born in Russia, that she was single and is a citizen by reason of her father's naturalization. In connection with this claim I enclose herewith transcript of a hearing before a Board of Special Inquiry on April 6, 1908, held at Noyes, Minnesota. This transcript was furnished me by the United States Commissioner of Immigration at Montreal.

You will observe that Emma Goldman at that time stated that she was married, that her name was Mrs. Jacob Kersner, and that her husband was a naturalized citizen. She produced her alleged husband's naturalization papers, but was unable to produce her certificate of marriage. In addition to the foregoing, the defendant stated that she was born in Germany, namely at Konigsberg, Prussia; so that you have in this record two decidedly conflicting statements.

465  
I am of the belief that Emma Goldman is really an alien. It came out at numerous times during the trial that both these defendants were anarchists - in fact the arch anarchists of this country - and that they advocated anarchy. If it should at any time be necessary to obtain extracts from the testimony to establish this statement I have just made I shall be happy to procure the same. These people are exceedingly dangerous to the peace and security of the United States. Berkman was previously convicted of attempted murder on July 22, 1892, at Pitts-

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## The Emma Goldman Papers

[Letter] 1917 July 12, New York [to] Frederic C. Howe, Commissioner of Immigration [Department of Labor], Ellis Island, N.Y. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 4 p. ; 26 x 21 cm.

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H A C  
15385

HCM

Hon. Frederic C. Howe,

-3-

July 12, 1917.

burg, Pa., and was sentenced to serve twenty-one years in the Western Penitentiary of Pa. Of this he served fourteen years, having then been released on parole. He has also been arrested numerous times since that date and on one occasion, on September 8, 1908, he was sentenced by Magistrate Corrigan for a term in the Workhouse for disorderly conduct.

The defendant Emma Goldman has likewise been a continual disturber of the peace. On October 16, 1893, she was sentenced by Judge Martine in New York City to serve one year in the penitentiary at Blackwell's Island, for unlawful assembly and inciting to riot. Since that date she has been arrested in numerous cities for similar offenses.

I should respectfully suggest that inasmuch as these defendants are presumably aliens who have been found at any time after entry advocating anarchy, a warrant should be applied for to the Secretary of Labor under Section 19 of the Act of February 5, 1917, and the defendants should be required to show cause why they should not be deported in conformity with law at the expiration of their present sentence.

I beg to state that I am informed by the United States Commissioner of Immigration at Montreal, Canada, that prior to Emma Goldman's examination, the transcript of which I enclose herewith, the Bureau of Immigration at

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## The Emma Goldman Papers

830214171

[Letter] 1917 July 12, New York [to] Frederic C. Howe, Commissioner of Immigration [Department of Labor], Ellis Island, N.Y. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 4 p. ; 26 x 21 cm.

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**Notes:** For enclosed transcript, see 830214126. For other enclosures, see 830214166, 830214168, and 830214183. For transcription, see 810113050.

H A C  
15385

HCM

Hon. Frederic C. Howe,

-4-

July 12, 1917.

Washington also investigated the alleged citizenship of Emma Goldman; and that the Bureau file will show the conclusion reached, that Emma Goldman was not regarded as being a citizen of the United States. This Bureau file will doubtless be of assistance to you in any investigation that you may decide to institute.

It was my intention to call this matter to your attention, but in addition thereto I have been directed by Judge Mayer specifically to report this case to you for such action as you may deem appropriate.

Respectfully,

*Francis G. Caffey*  
U. S. Attorney.

(Encl. #11524)

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# The Emma Goldman Papers

[Letter] 1917 July 12 [New York to] Frederic C. Howe, Commissioner of Immigration [Department of Labor], Ellis Island, N.Y. / [Francis G. Caffey] U[nited] S[tates] Attorney [Department of Justice]. — 2 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Notes: Enclosed with 810113049 and 810113102. Transcript of 830214171.

**C O P Y**  
from  
THE NATIONAL ARCHIVE  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 3)

July 12, 1917.

Hon. Frederic C. Howe,  
Commissioner of Immigration,  
Ellis Island, N. Y.

S i r :

On July 9, 1917, Emma Goldman and Alexander Berkman were convicted in the United States District Court for the Southern District of New York of having conspired to violate the provisions of the Selective Draft Act of May 18, 1917. The defendant Emma Goldman was sentenced to pay a fine of \$10,000 and to serve two years in the State Penitentiary at Jefferson City, Mo; the defendant Berkman was sentenced to pay a fine of \$10,000 and to serve two years in the United States Penitentiary at Atlanta, Ga. Neither defendant took the stand in his or her own behalf, but just prior to the imposition of sentence, the Clerk of the Court took the pedigrees of the defendants, and I enclose herewith copy of the same. From this you will observe that Alexander Berkman was born in Russia and is not a citizen of the United States; in other words, he is still an alien. The defendant Emma Goldman stated that she was born in Russia, that she was single and is a citizen by reason of her father's naturalization. In connection with this claim I enclose herewith transcript of a hearing before a Board of Special Inquiry on April 6, 1907, held at Noyes, Minnesota. This transcript was furnished me by the United States Commissioner of Immigration at Montreal.

You will observe that Emma Goldman at that time stated that she was married, that her name was Mrs. Jacob Kersner, and that her husband was a naturalized citizen. She produced her alleged husband's naturalization papers, but was unable to produce her certificate of marriage. In addition to the foregoing, the defendant stated that she was born in Germany, namely at Konigsberg, Prussia; so that you have in this record two decidedly conflicting statements.

[I am of the belief that Emma Goldman is really an alien. It came out at numerous times during the trial that both these defendants were anarchists - in fact the arch anarchists of this country - and that they advocated anarchy. If it should at any time be necessary to obtain extracts from the testimony to establish this statement I have just made I shall be happy to procure the same.] These people are exceedingly dangerous to the peace and security of the United States.

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[Letter] 1917 July 12 [New York to] Frederic C. Howe, Commissioner of Immigration [Department of Labor], Ellis Island, N.Y. / [Francis G. Caffey] U[nited] S[tates] Attorney [Department of Justice]. — 2 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Notes: Enclosed with 810113049 and 810113102. Transcript of 830214171.

C O P Y

from

THE NATIONAL ARCHIVE

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 3)

-2-

Berkman was previously convicted of attempted murder on July 22, 1892, at Pittsburg, Pa., and was sentenced to serve twenty-one years in the Western Penitentiary of Pa. Of this he served fourteen years, having then been released on parole. He has also been arrested numerous times since that date and on one occasion, on September 8, 1908, he was sentenced by Magistrate Corrigan for a term in the Workhouse for disorderly conduct.

The defendant Emma Goldman has likewise been a continual disturber of the peace. On October 16, 1893, she was sentenced by Judge Martine in New York City to serve one year in the penitentiary at Blackwell's Island, for unlawful assembly and inciting to riot. Since that date she has been arrested in numerous cities for similar offenses.

I should respectfully suggest that inasmuch as these defendants are presumably aliens who have been found at any time after entry advocating anarchy, a warrant should be applied for to the Secretary of Labor under Section 19 of the Act of February 5, 1917, and the defendants should be required to show cause why they should not be deported in conformity with law at the expiration of their present sentence.

I beg to state that I am informed by the United States Commissioner of Immigration at Montreal, Canada, that prior to Emma Goldman's examination, the transcript of which I enclose herewith, the Bureau of Immigration at Washington also investigated the alleged citizenship of Emma Goldman; and that the Bureau file will show the conclusion reached that Emma Goldman was not regarded as being a citizen of the United States. This Bureau file will doubtless be of assistance to you in any investigation that you may decide to institute.

It was my intention to call this matter to your attention, but in addition thereto I have been directed by Judge Mayer specifically to report this case to you for such action as you may deem appropriate.

Respectfully,

U.S. Attorney.

(Encl. #11524)

## The Emma Goldman Papers

[Letter] 1917 July 12 [Washington, D.C. to A.M. Dockery] Third Assistant  
[Postmaster General, Post Office Department, Washington, D.C.] / W[illiam] H. Lamar,  
Solicitor [Post Office Department]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Lamar advises the third assistant postmaster that the *Mother Earth* June 1917 issue is so far the  
only 1917 issue nonmailable under the Espionage Act.

Notes: Broken type; light copy. Reply to 810128101.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-0

July 12, 1917.

Third Assistant,

Division of Classification.

I return herewith copies of the issues of "Mother Earth"  
for January, February, March, April, May and June which ac-  
companied your letter of the 30th ultimo. These issues were  
deposited in the mails prior to the Act of June 15, 1917,  
and are not regarded by this Department as unmailable under  
the laws that existed when these issues were mailed.  
However, the issue of June, 1917, is non-mailable under the  
Act of June 15, 1917 (Section 482 PLAR.), and the postmaster  
at New York has been so advised.

(Signed) W. H. LAMAR

Solicitor.

# The Emma Goldman Papers

[Letter] 1917 July 12 [New York to] James A. Reed [Senator], Washington, D.C. / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger asks Senator Reed to ask the prison authorities to allow Goldman and Berkman to have unlimited writing paper while in prison.

Notes: Broken type.

July 12th, 1917

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The Yale University Library  
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Hon. James A. Reed,  
U. S. Senate,  
Washington, D. C.

Dear Sir:-

In the case of United States vs. Emma Goldman and Alexander Berkman tried in the U. S. District Court, Southern District of New York for conspiracy to toll the people not to register Emma Goldman was sent to Federal Prison, Jefferson City, Missouri, and Alexander Berkman was sent to Federal Prison, Atlanta, Georgia.

Without going into the question as to whether or not they had a fair trial as that will be decided by appeal or whether there was no evidence at all of the alleged crime, I want to call just two things to your attention. Immediately upon their conviction they were sentenced to two years in prison and \$10000. fine, sentence not being deferred over a single day. Within two or three hours thereafter they were on their way to their respective prisons without having a chance to see friends or finish up any business they had. The worst murderer is given time, and these people because they have ideals for which they are willing to go to jail if necessary mistaken though they may be were not given any time. This high handed justice could not happen in Russia to-day.

A thing, however, that I desire to call your attention and invoke your aid is this: both Miss Goldman and Mr. Berkman are highly intellectual, even the judge said that, that under the prison rules I understand that they are only to have one sheet of writing paper every two weeks. Can you have this extended to either or both Miss Goldman and Mr. Berkman that little courtesy of having whatever paper they may desire, and if the Warden can say that they should have it, I would see that it is sent to them from the outside.

As attorney for Miss Goldman and Mr. Berkman I am proceeding with the appeal but feel that this little thing will go a long way and being merely an act of justice if you would only ask the Warden to do it. Thanking you for an early reply, I am

Respectfully yours,

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# The Emma Goldman Papers

[Letter] 1917 July 12 [New York to] William J. Stone [Senator], Washington, D.C. / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger asks Senator Stone to ask the prison authorities to allow Goldman and Berkman to have writing paper while in prison.

Notes: Broken type; light copy; barely legible.

July 12th, 1917

Hon. William J. Stone,  
United States Senate,  
Washington, D. C.

FOR REFERENCE USE ONLY  
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The Yale University Library  
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for reproduction or publication

Dear Sir:-

In the case of United States vs. Emma Goldman and Alexander Berkman tried in the U. S. District Court, Southern District of New York for conspiracy to tell the people not to register, Emma Goldman was sent to Federal Prison, Jefferson City, Missouri, and Alexander Berkman, was sent to Federal Prison, Atlanta, Georgia.

Without going into the question as to whether or not they had a fair trial as that will be decided by appeal or whether there was no evidence at all of the alleged crime, I want to call just two things to your attention. First, immediately on their conviction they were sentenced to two years in prison and \$10,000 fine, sentence not being deferred even a single day. Within two or three hours thereafter they were on their way to their respective prisons without having time to see friends or finish up any business they had. The worst murder is given time, and these people because they have ideals for which they are willing to go to jail if necessary, are then though they say they are not given any time. This high handed justice could not happen in Russia to-day.

The thing, however, that I <sup>Specialy</sup> want to call your attention to and involve your aid in this: both Miss Goldman and Mr. Berkman are highly intellectual, even the Judge said that, ~~and~~ under the prison rules I understand that they are only to have one sheet of writing paper every two weeks. Can you have extended to either or both Miss Goldman and Mr. Berkman that little courtesy of having whatever paper they may desire, and if the order can say that they should have it, I would see that it is sent to them from the outside.

As the attorney for Miss Goldman and Mr. Berkman I am proceeding with the appeal but feel that this little thing will go a long way and being merely an act of justice if you would only ask the Warden to do it. Thanking you for an early reply. I am

Respectfully yours,

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# The Emma Goldman Papers

[Telegram] 1917 July 14, Denver, Colo. [to] Alexander Berkman, Atlanta, Ga. / Max Toback. — 1 p. ; 16 × 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Max Toback sends financial and moral support to Berkman in prison.

Notes: Broken type. Enclosed with 810930027, 870213000, and 870217002.

CLASS OF SERVICE DESIRED	
Fast Day Message	<input type="checkbox"/>
Day Letter	<input type="checkbox"/>
Night Message	<input type="checkbox"/>
Night Letter	<input type="checkbox"/>

Patrons should mark on X opposite the class of service desired; OTHERWISE THE TELEGRAM WILL BE TRANSMITTED AS A FAST DAY MESSAGE.

## WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Form 1206	
Receiver's No.	<input type="text"/>
Check	<input type="text"/>
Time Paid	<input type="text"/>

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

Denver, Colo., July 14, 1917.

Alexander Berkman,

Political Prisoner, Federal Prison, Atlanta, Ga.

Dear Comrad:-

At a meeting of Jewish comrades held on Colfax, we are united in sending you our love and congratulations for your courageous stand for internationalism. We pledge you our comradeship and financial support. Thirty raised and given to Ben who will see Emma Tuesday.

(Signed)

Rec'd. 8.45A.M. PAID.

Max Toback.

Night Letter.

BUREAU OF INVESTIGATION,  
RECEIVED  
JUL 18  
ATLANTA OFFICE  
DEPARTMENT OF JUSTICE

*For information of Spec. Agt. Bala*

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526

# The Emma Goldman Papers

[Letter] 1917 July 14 [Washington, D.C. to] W[illiam] M. Offley [Division Superintendent, Bureau of Investigation, Department of Justice], New York / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski instructs Offley to try to trace Goldman's \$24,000 bank deposit for Army Intelligence.

Notes: Light copy; barely legible. For reply, see 880603075. For McGee report mentioned, see 880603048.

JUL 18 1917

July 14, 1917.

W. M. Offley, Esquire,  
Post Office Box 261,  
New York, New York.

Dear Sir:

Referring to a report of T. J. McGee, June twenty-ninth, it is stated that on June 14, 1917, Emma Goldman deposited with the Harlem Branch of the New York Produce Exchange, \$24,000.00, payable to her order. Please ascertain whether this deposit was made by check or in cash; if the latter, whether the deposit was made in bills of large denomination or small denomination. If by check, it should be traced and, if possible, a photostat copy sent to this office. This information is wanted by the Intelligence Division of the Army.

Yours very truly,

Chief.

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# The Emma Goldman Papers

[Letter] 1917 July 14 [New York to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 26 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley formally notifies Bielaski of the outcome of Goldman and Berkman's trial. He explains that the Justice Department is trying to locate and seize their assets to pay their fines.

WMO-IH

July 14th, 1917.

15446  
A. Bruce Bielaski, Esq.,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir: U. S. VS. EMMA GOLDMAN & ALEXANDER BERKMAN.

In order that your files may be complete, I beg to advise you that both defendants in this case were convicted July 9th, 1917, under all counts in the indictment charging violations of Sections 37 and 382 of the U. S. Criminal Code and Section 5 of the Act of May 18th, 1917.

The defendant Emma Goldman was thereupon sentenced by Judge Mayer to imprisonment for a term of two years in the State Penitentiary at Jefferson City, Missouri, and to pay a fine of \$10,000, and the defendant Alexander Berkman received similar sentence, the term of imprisonment to be served in the Federal Penitentiary at Atlanta, Georgia.

Both defendants were removed the same night to the respective places of imprisonment. Effort is now being made to locate assets of the defendants with a view to attaching the same on account of money judgments represented by the fines imposed.

Very truly yours, .

WM. M. OFFLEY

Division Superintendent.

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# The Emma Goldman Papers

[Letter] 1917 July 16 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / [Samuel J. Graham] Assistant Attorney General [Department of Justice]. — 1 p. ; 36 x 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** The assistant attorney general congratulates Harold Content for his good work prosecuting the Goldman and Berkman case.

**Notes:** Reply to 810113024.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

SJG-K

July 16, 1917.

Francis G. Caffey, Esq.,  
United States Attorney,  
New York, N. Y.

Dear Mr. Caffey:

Receipt is acknowledged of your letter of July 11th, regarding certain cases — which have been concluded in the District Court at New York.

Your office is to be congratulated upon the results in these cases, and particularly Mr. Content. Please express to Mr. Content the warm appreciation of the Department of the efficient and thorough manner in which he handled these cases.

Very truly yours,

For the Attorney General,

Assistant Attorney General.

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529

EXPLANATORY NOTE  
GOLDMAN AND BERKMAN V. UNITED STATES,  
JULY 17, 1917

---

On July 17, 1917, Harry Weinberger asked the Supreme Court to hear his appeal of Goldman and Berkman's conviction. The case is entitled, *Goldman and Berkman v. United States*, because Goldman and Berkman are in the position of plaintiffs, formally challenging the legality of their conviction. The original case before the United States District Court was titled *United States v. Goldman and Berkman*, because the government brought the suit. The legal papers refer to Goldman and Berkman as, "plaintiffs in error," meaning that they are the plaintiffs in the appeal, but the defendants in the original case. The Solicitor General, John W. Davis, represented the government in the appeal.

In order to have the Supreme Court review the case, Weinberger had to file a petition for a writ of error with Justice Brandeis, the Supreme Court Justice for the New York City area. A writ of error is a court order to a lower court, requesting that the record of the case be sent to them for reevaluation. Along with his petition, Weinberger submitted the assignments of error, and copies of the writ of error, supersedeas, and citation for Brandeis to sign. The assignments of error lists the reasons for the appeal. The supersedeas is the Supreme Court order authorizing bail for Goldman and Berkman while they appeal the case. The citation acts like a summons. It notifies the government that they have thirty days to object to the appeal.

# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 /  
[Harry Weinberger]. — 7 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Weinberger argues that the Supreme Court should overturn Goldman and Berkman's conviction because the Selective Draft Act violates the Constitution in many respects.

**Notes:** Seven shots of five pages. Enclosed with 810113033.

UNITED STATES DISTRICTCOURT

SOUTHERN DISTRICT OF NEW YORK.

ALEXANDER BERKMAN AND EMMA  
GOLDMAN.

Plaintiffs-in-error

against

UNITED STATES OF AMERICA,

Defendant-in-error

(COPY)

ASSIGNMENTS OF ERRORS.

HARRY WEINBERGER,

Attorney for Plaintiffs-in-  
Error.

Office and P. O. Address  
261 Broadway,  
Borough of Manhattan,  
City of New York.

# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 / [Harry Weinberger]. — 7 p. ; 36 x 22 cm.

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Fol. 1

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

ALEXANDER BERKMAN and EMMA GOLDMAN,  
Plaintiffs-in-error,

- against -

United States of America,  
Defendant-in-error.

: ASSIGNMENTS OF  
: ERRORS

2

Now comes the above named Alexander Berkman and Emma Goldman, plaintiffs-in-error, by their attorney, and make and file the following assignments of error upon which they will rely upon the prosecution of the writ of error to the Supreme Court of the United States sued out by them herein to review the errors committed in the above entitled cause in the United States District Court for the Southern District of New York and in the proceedings had therein and against them in the said court:

3

That the District Court erred as follows:

FIRST:- In not dismissing the indictment herein, upon the ground that the same did not charge the defendants with any offense against the United States of any law thereof in that it is not a violation of any law for defendants to have conspired and agreed among themselves and with other persons to aid, abet, counsel, command, induce and procure divers persons subject to registration and submit thereto in accordance with "An act to authorize the President to increase temporarily the military establishment of the United States", approved the 18th day of May, 1917.

4

SECOND:- In not granting the motion for arrest judgment on the ground that the indictment did not charge an offense against the United States or any law thereof.



# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 / [Harry Weinberger]. — 7 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Weinberger argues that the Supreme Court should overturn Goldman and Berkman's conviction because the Selective Draft Act violates the Constitution in many respects.

Notes: Seven shots of five pages. Enclosed with 810113033.

UNITED STATES DISTRICT COURT OF NEW YORK  
 OFFICE CIVIL DISOBEDIENCE FOR LAW

THIRD:- In not setting aside the verdict upon the ground that the facts proved did not constitute an offense against the United States or any law thereof.

That the District Court erred in the construction and application of the Constitution of the United States and in the disposition of the merits of the case as follows:

Fol. 5

FOURTH:- In denying the defendant's motion made at the opening of the trial to dismiss the indictment upon the ground that the same did not charge the defendants with any offense against the United States or any law thereof upon the following grounds:

6

1. That there can be no conspiracy to violate the law entitled "An Act to authorize the President to increase temporarily the military establishment of the United States", approved May 18th, 1917 also known as "The Conscription Law" in that the said Act is unconstitutional upon the following grounds:

A. It violates Section 13, Subd. 1 of the Amendments to the United States Constitution which reads as follows:

"Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States or any place subject to their jurisdiction."

7

The said law imposes military, agricultural or industrial service, under any conditions determined by the military or Congress as to hours, condition and pay, on all male persons in the United States between the ages of twenty-one and thirty, both inclusive, excepting officers and enlisted men of the regular Army, the Navy, the Marine Corps, and the National Guard and Naval Militia, while in the service of the United States and officers in the Officers' Reserve Corps, and enlisted men in the Enlisted Reserve Corps, while in active service.

B. It violates Article 1 of the Amendments to the United States Constitution which reads as follows:

"Congress shall make no law respecting and establishment of religion or prohibiting the free exercise thereof."

That this "Conscription Law" does establish a religion

# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 / [Harry Weinberger]. — 7 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Weinberger argues that the Supreme Court should overturn Goldman and Berkman's conviction because the Selective Draft Act violates the Constitution in many respects.

Notes: Seven shots of five pages. Enclosed with 810113033.

Fol. 8

that it gives a special privilege to members of "any well recognized religious sect or organization at present organized and existing, and whose existing creed or principles forbid its members to participate in war in any form, and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations" and it prohibits and invades the free exercise of the religion of any and all individuals not belonging to "any well recognized religious sect or organization at present organized and existing, and whose existing creed or principles forbid its members to participate in war in any form and whose religious convictions are against war or participation in accordance with the creed and principles of said religious organizations."

C. It violates Article 1 of the United States Constitution, Section 8 Subd. 15 and 16 which provides:

"That Congress shall have power: (Subd. 15) to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions" (Subd. 16) "To provide for organizing, arming, and disciplining and militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

10

That neither an invasion nor a rebellion is taking place, and further that the law does not call the Militia but calls upon all male persons with certain exceptions between the ages of twenty-one and thirty years inclusive.

D. It violates Article 1, Section 8 Subd. 12 of the Constitution which reads as follows:

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

E. It violates Article IV Section 11, Subd. 1 of the Constitution which reads as follows:

11

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

That the said law imposes military, agricultural or industrial service on all male citizens between the ages

# The Emma Goldman Papers

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Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 / [Harry Weinberger]. — 7 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

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9  
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insurrections, and repel invasions" (Subd. 16)  
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part of them as may be employed in the service  
of the United States, reserving to the States  
respectively the appointment of the officers,  
and the authority of training the militia accord-  
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the several States."

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of twenty-one and thirty years inclusive, with certain ex-  
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# The Emma Goldman Papers

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Summary: Weinberger argues that the Supreme Court should overturn Goldman and Berkman's conviction because the Selective Draft Act violates the Constitution in many respects.

Notes: Seven shots of five pages. Enclosed with 810113033.

Fol. 8

that if space is electedly distributed to members of "SNA MEET"

and younger males.

F. It violates Article V of the Amendments to the Constitution which reads as follows:

"No person shall be deprived of life, liberty or property without due process of law."

Fol. 12

FIFTH:- In denying the defendants' motion to dismiss the indictment herein or to instruct the jury to acquit the defendants made at the conclusion of the case as presented by the United States upon the grounds contained in the first assignment of error, and upon the further ground that the indictment does not charge a crime; that upon all the facts proven the defendants are not guilty; that there is no proof that the defendants conspired unlawfully, willfully, knowingly, feloniously together and with divers persons and did agree among themselves and with the said divers persons to aid, abet, counsel, command, induce and procure divers persons, the same being male persons between the ages of twenty-one and thirty, both inclusive, being subject to registration in accordance with regulations prescribed by the President to unlawfully and wilfully fail and refuse to present themselves for registration and submit thereto; that there is no proof of any overt act to carry out the said conspiracy.

SIXTH:- In denying the defendants' motion to set aside the verdict of the jury rendered against them which motion presented to the trial court was as follows: That the verdict was contrary to the evidence, contrary to the law.

SEVENTH:- In denying the defendants' motion for an arrest of judgment upon all the grounds hereinbefore set forth.

WHEREFORE, the said Alexander Berkman and Emma Goldman, plaintiffs-in-error, prays that the said judgment herein for the errors aforesaid and for the errors in the record and proceedings herein may be reversed and altogether held for nothing, and that their said trial should go for naught and that the said plaintiffs-in-error may be restored to all things which they have lost by reason of said judgment and for such other and further relief as to the court may seem proper.

Dated, July seventeenth, 1917



# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 / [Harry Weinberger]. — 7 p. ; 36 x 22 cm.

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101. 8

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Fol. 12

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13

14

SIXTH:- In denying the defendants' motion to set aside the verdict of the jury rendered against them which motion presented to the trial court was as follows: That the verdict was contrary to the evidence, contrary to the law.

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Dated, July seventeenth, 1917.

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# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 [draft]  
/ Harry Weinberger. — 6 p. ; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger argues that the Selective Draft Act violates the Constitution in many respects.

Notes: Handwritten corrections by Weinberger. Bracketed date assigned by Yale University Library. Draft  
of 810113035. For printed text, see official trial transcript, 810206005, at pages 534-539.

[Jul. 17, 1917]

Fol. 1.

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

-----X  
ALEXANDER BERKMAN and EMMA GOLDMAN,

Plaintiffs-in-error,

-against-

UNITED STATES OF AMERICA,

Defendant-in-error.  
-----X

ASSIGNMENTS OF  
ERROR.

" 2

Now comes the above named Alexander Berkman and Emma Goldman, plaintiffs-in-error, by their attorney, and make and file the following assignments of error upon which they will rely upon the prosecution of the writ of error to the Supreme Court of the United States sued out by them herein to review the errors committed in the above entitled cause in the United States District Court for the Southern District of New York and in the proceedings had therein and against them in the said court:

" 3

That the District Court erred as follows: ~~(with respect to its jurisdiction)~~

FIRST:- In not dismissing the indictment herein, upon the ground that the same did not charge the defendants with any offense against the United States or any law thereof, ~~(and that therefore the court was without jurisdiction in the premises)~~ in that it is not a violation of any law for defendants to have conspired and agreed among themselves and with other persons to aid, abet, counsel, command, induce and procure divers persons subject to registration to fail and refuse to present themselves for registration and submit thereto in accordance with "An act to authorize the President to increase temporarily the military establishment of the United States", approved the 18th day of May, 1917.

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fol. 4

SECOND: In not granting the motion for arrest judgment on the ground that the indictment did not charge an offense against the United States or any law thereof.

THIRD: In not setting aside the verdict upon the ground that the facts proved did not constitute an offense against the United States or any law thereof.

That the District Court erred in the construction and application of the Constitution of the United States and in the disposition of the merits of the case as follows:

" 5

FOURTH: In denying the defendants' motion made at the opening of the trial to dismiss the indictment upon the ground that the same did not charge the defendants with any offense against the United States or any law thereof upon the following grounds:

1. That there can be no conspiracy to violate the law entitled "An act to authorize the President to increase temporarily the military establishment of the United States", approved May 18th, 1917, also known as "The Conscription Law" in that the said Act is unconstitutional upon the following grounds:

" 6

A. It violates Section 13, Budd. I of the Amendments to the United States Constitution which reads as follows:

"Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted shall exist within the United States or any place subject to their jurisdiction."

The said law imposes military, agricultural or industrial service, under any conditions determined by the military or Congress as to hours, condition and pay, on all male persons in the United States between the ages of twenty-one and thirty, both inclusive, ex-

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fol. 7

cepting officers and enlisted men of the regular Army, the Navy, the Marine Corps, and the National Guard and Naval Militia, while in the service of the United States and officers in the Officers' Reserve Corps, and enlisted men in the Enlisted Reserve Corps, while in active service.

B. It violates Article I of the Amendments to the United States Constitution which reads as follows:

"Congress shall make now law respecting an establishment of religion or prohibiting the free exercise thereof."

" 8

That this "Conscription Law" does establish a religion in that it gives a special privilege to members of "Any well recognized religious sect or organization at present organized and existing, and whose existing creed or principles forbid its members to participate in war in any form, and whose religious convictions are against war or participation therein in accordance with the creed or principles of said religious organizations" and it prohibits and invades the free exercise of the religion of any and all individuals not belonging to any well recognized religious sect or organization at present organized and existing, and whose existing creed or principles forbid its members to participate in war in any form, and whose religious convictions are against war or participation in accordance with the creed or principles of said religious organizations."

" 9

C. It violates Article I of the United States Constitution, Section 8, Subd. 15 and 16 which provides:

"That Congress shall have power: (Subd. 15) to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions." (Subd. 16)



# The Emma Goldman Papers

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 [draft]  
/ Harry Weinberger. — 6 p. ; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger argues that the Selective Draft Act violates the Constitution in many respects.

Notes: Handwritten corrections by Weinberger. Bracketed date assigned by Yale University Library. Draft  
of 810113035. For printed text, see official trial transcript, 810206005, at pages 534-539.

Pol. 10

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

That neither an invasion nor a rebellion is taking place, and further that the law does not call the militia but calls upon all male persons with certain exceptions between the ages of twenty-one and thirty years inclusive.

D. It violates Article I, Section 8, Subd. 12 of the Constitution which reads as follows:

" 11

"To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

E. It violates Article IV Section II, Subd. 1 of the Constitution which reads as follows:

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

That the said law imposes military, agricultural or industrial service on all male citizens between the ages of twenty-one and thirty years inclusive, with certain exceptions thereby excluding the excepted classes and older and younger males.

" 12

F. It violates Article V of the Amendments to the Constitution which reads as follows:

"No person shall x x x be deprived of life, liberty or property without due process of law."

FIFTH: In denying the defendants' motion to dismiss the indictment herein or to instruct the jury to acquit the defendants made at the conclusion of the case as presented by the United States upon the grounds contained in the first assignment of error, and upon the further ground that the indictment does not charge a crime; that upon all the facts proven the defendants are not guilty; that there is no proof that the de-

# The Emma Goldman Papers

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of 810113035. For printed text, see official trial transcript, 810206005, at pages 534-539.

fol. 13      defendants conspired unlawfully, willfully, knowingly,  
  
feloneously together and with divers persons and did  
agree among themselves and with the said divers persons  
to aid, abet, counsel, command, induce and procure  
divers persons, the same being male persons between  
the ages of twenty-one and thirty, both inclusive,  
being subject to registration in accordance with  
regulations prescribed by the President to unlawfully  
and wilfully fail and refuse to present themselves  
for registration and submit thereto; that there is no  
proof of any overt act to carry out the said conspiracy.

" 14              SIXTH:      In denying the defendants' motion  
to set aside the verdict of the jury rendered against  
them which motion presented to the trial court was as  
follows: That the verdict was contrary to the evidence,  
contrary to the law.

SEVENTH:      In denying the defendants' motion for  
an arrest of judgment upon all the grounds hereinbefore  
set forth.

WHEREFORE, the said Alexander Berkman and Emma  
Goldman, plaintiffs-in-error, pray that the said judg-  
ment herein for the errors aforesaid and for the errors  
in the record and proceedings herein may be reversed  
and altogether held for nothing, and that their said  
trial should go for naught and that the said plaintiffs-  
in-error may be restored to all things which they have  
lost by reason of said judgment and for such other and  
further relief as to the Court may seem proper.  
Dated, July 17th, 1917.

HARRY WEINBERGER,  
Attorney for Alexander Berkman and  
Emma Goldman, plaintiffs-in-error,  
Office & P.O. Address,  
261 Broadway,  
Manhattan, New York City.

# The Emma Goldman Papers

850806200

Goldman [&] Berkman [v.] United States: Assignments of Error, 1917 July 17 [draft]  
/ Harry Weinberger. — 6 p. ; 34 × 22 cm.

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Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger argues that the Selective Draft Act violates the Constitution in many respects.

Notes: Handwritten corrections by Weinberger. Bracketed date assigned by Yale University Library. Draft  
of 810113035. For printed text, see official trial transcript, 810206005, at pages 534-539.

## NOTICE OF ENTRY

Sir:—

Please take notice that the within is  
a true copy of a \_\_\_\_\_  
this day duly filed and entered in the office of  
the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &amp;c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

## NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of  
which the within is a true copy, will be pre-  
sented for settlement and entry herein to  
Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of  
this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of  
\_\_\_\_\_ in the City of New York,  
on the \_\_\_\_\_ day of \_\_\_\_\_ 191  
at \_\_\_\_\_ o'clock, in the forenoon or as soon  
thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &amp;c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

CLERK'S INDEX NO.

YEAR

U. S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF N. Y.

ALEXANDER BERKMAN and EMMA  
GOLDMAN,

Plaintiffs-in-  
error,

against

UNITED STATES OF AMERICA,

Defendant-in-  
error.

COPY

ASSIGNMENTS OF ERROR.

**HARRY WEINBERGER**

ATTORNEY FOR Plaintiffs-in-error,

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

TO \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the  
within \_\_\_\_\_

is, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for \_\_\_\_\_

850206201

# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Petition for Writ of Error, 1917 July 17 [draft] / Harry Weinberger. — 2 p. ; 34 × 20 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger asks the Supreme Court to hear his appeal, challenging Goldman and Berkman's conviction.

Notes: Upper portion of page two only. Handwritten corrections by Weinberger. Enclosed with 871110001 and 871110002. For printed text, see official trial transcript, 810206005, at pages 539-540.

[Jul. 19, 1917]

FOL. 1

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

-----X  
UNITED STATES OF AMERICA,

Plaintiff,

-against-

ALEXANDER BERKMAN and EMMA GOLDMAN,

Defendants.  
-----X

Petition for Writ  
of Error.

" 2 Now comes the above defendants Alexander Berkman  
and Emma Goldman, by their attorney, and complain that on  
the 9th day of July, 1917, the District Court of the United  
States for the Southern District of New York gave judgment  
in the above entitled cause against the defendants; in which  
judgment in this cause, certain errors were committed to the  
prejudice of these defendants:

(FIRST: - In respect to the Court's jurisdiction of  
the subject matter of the cause.)

FIRST:

SECOND:

" 3 In respect to the Court's construction  
and application of the Constitution of the United States and  
its disposition of the merits of the cause; all of which  
will appear more in detail from the Assignment of Errors which  
is filed with this petition.

WHEREFORE, the said defendants, Alexander Berkman  
and Emma Goldman pray for the allowance of a writ of error  
and for such other orders and processes as may cause all and  
singular the record and proceedings in said cause to be sent  
to the Honorable the Justices of the Supreme Court of the  
United States under and according to the laws of the United  
States in that behalf made and provided, and so that the same  
being inspected, the said Justices of the said Supreme Court  
of the United States cause further to be done therein to  
correct that error what of right and according to law ought to



# The Emma Goldman Papers

850806201

United States [v.] Goldman [&] Berkman: Petition for Writ of Error, 1917 July 17 [draft] / Harry Weinberger. — 2 p. ; 34 × 20 cm.

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Summary: Weinberger asks the Supreme Court to hear his appeal, challenging Goldman and Berkman's conviction.

Notes: Upper portion of page two only. Handwritten corrections by Weinberger. Enclosed with 871110001 and 871110002. For printed text, see official trial transcript, 810206005, at pages 539-540.

FOL. 4

be done, and also that an order be made herein that all other proceedings in this action in this court be suspended and stayed until the determination of said Writ of Error by the said Supreme Court of the United States.

And your petitioner will ever pray, etc.

Dated this 17th day of July, 1917.

*Harry Weinberger*

Attorney for Defendants Alexander  
Berkman and Emma Goldman,  
Office & P. O. Address,  
261 Broadway,  
Borough of Manhattan,  
City of New York.

" 5

## Supersedeas

Writ of Error, to operate as a Supersedeas, allowed, returnable, according to law, the defendants to furnish bail in the sum of *Twenty-five Thousand* <sup>(25,000)</sup> Dollars, each conditioned according to law, subject to the approval of one of the Judges of the United States District Court for the Southern District of New York.

Dated, July 19 1917.

" 6

*Louis D. Brandeis*

*Associate* Justice of the United States  
Supreme Court for the Second  
Circuit.

# The Emma Goldman Papers

[Letter] 1917 July 17 [New York to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley informs Bielaski that it was James Hallbeck who contributed the \$2,400 that Goldman recently deposited. He believes Hallbeck is harmless but unintelligent.

Notes: Dark copy; barely legible. Reply to 880603071. For McGee report mentioned, see 880603048.

15446

July 17, 1917.

A. B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

Dear Sir:

In reply to your letter JHX of the 14th instant, I beg to advise you that the instrument referred to in the report of Agent McGee as seen by him, June 14th, 1917, in the possession of Miss Fitzgerald, was a certificate of deposit of the Harlem Branch of the New York Federal Reserve Bank for \$2400, instead of \$24,000, payable to the order of Emma Goldman.

The money for this certificate was contributed by James Hallbeck, seventy nine years of age and apparently of rather weak intellect.

He is a retired tailor who has from time to time contributed funds to Miss Goldman, seemingly because infatuated by her.

There is nothing to indicate that he is an anarchist or possesses dangerous tendencies.

The certificate of deposit was cashed shortly after the arrest of Emma Goldman and Alexander Berkman and a portion of the proceeds apparently used to finance their defense.

Very truly yours,

Wm M. Offley  
Division Superintendent.

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# The Emma Goldman Papers

[Letter] 1917 July 17 [New York to P.] P. Schmid, Special Agent in Charge [Bureau of Investigation, Department of Justice], Boston / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 22 cm.  
*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Superintendent Offley informs Agent Schmid in Boston that Reitman's anti-conscription circular could not support a criminal prosecution.  
**Notes:** Barely legible.

Special Agent in Charge,  
 Boston.

Dear Sir:

Referring to your letter of the 9th inst. enclosing circular entitled "Why go to War?", I beg to advise you that Ben L. Reitman is a well known anarchist who is formerly driven taxi cab Los Angeles, Cal., and since he has been closely identified with Emma Goldman and Alexander Berkman. A number of circulars which are enclosed by you were found on the premises occupied by Mother Earth and the Masses at the time of the arrest of Emma Goldman and Alexander Berkman. It is not possible to predicate a prosecution against

Very truly yours,

Division Superintendent.

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# The Emma Goldman Papers

[Telegram 19] 17 July 17, Seattle, W[ash. to Thomas Watt Gregory] Attorney General [Department of Justice], Washington [D.C.] / Clay Allen [United States Attorney, Department of Justice].— 1 p. ; 26 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

**Summary:** United States Attorney Allen asks the Department of Justice to send him copies of the indictment and briefs in the Goldman case if the charge was seditious conspiracy.

**Notes:** For reply, see 880610000.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

POSTAL TELEGRAPH - COMMERCIAL CABLES

CLARENCE H. MACKAY, PRESIDENT.

NIGHT TELEGRAM

RECEIVED AT

The Postal Telegraph-Cable Company (Incorporated) transmits and delivers night messages subject to the terms and conditions printed on the back of this blank

DESIGN PATENT No. 40529.

W 185 NY 26 NITE GOVT 12AM

Z SEATTLE WN JULY 17-17

ATTORNEY GENERAL

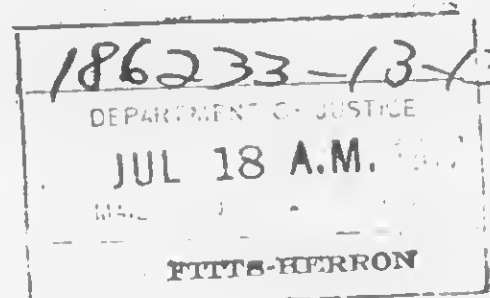
CASE WASHINGTON

IF GOLDMAN IS BASED UPON SECTION SIX PENAL CODE CAN

DEPARTMENT FURNISH COPY INDICTMENT AND BRIEFS OPINION THAT CASE

IMMEDIATELY

CLAY ALLEN



548



# The Emma Goldman Papers

[Agent Report] In re: No-Conscription League, Seattle, Wash., 1917 July 17 / Gray, Sp[e]c[ia]l Employee [Bureau of Investigation, Department of Justice]. — 1 p.; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Gray reports on an individual who was soliciting signatures on a no-conscription petition.

Notes: Broken type.

Report Form No. 2

Original

13446  
SPECIAL EMPLOYEE GRAY Seattle, Washington. July 17, 1917 July 16, '17

IN RE: NO-CONSCRIPTION LEAGUE, Seattle.

(reported by A. L. Jones, Informant)

VIOLATION OF ACT OF MAY 18th

At Seattle, Wash.

Address of Informant, A. L. Jones, 1412 Concord St., Seattle.

Informant called at this office and made the following statement:  
States: "I was in the office of J. B. Ericsson, 3083 Arcade Bldg., Seattle, July 14, 1917, about two o'clock P.M. when a person known to Ericsson came into the office and tried to secure the signature of Mr. Ericsson on a petition against conscription and against sending men to France to fight. States that this person was very pro-German. States: That Ericsson refused to sign his name and reprimanded this person severely for taking this petition around. This person is a tailor on the fourth floor of the Arcade Building, and is a Finn, by birth; and a Socialist and very active in that movement."

Bureau in triplicate.

Page 5

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# The Emma Goldman Papers

[Agent Report] In re: Anarchists—European Neutrality Matter, Chicago, 1917 July 17 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice].— 1 p. ; 27 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh reports that William Nathanson is arranging a meeting to protest Goldman and Berkman's sentencing.

Notes: Broken type; light copy.

REPORT FORM NO. 1

REPORT MADE BY: <b>H. G. Clabaugh</b>	PLACE WHERE MADE: <b>Chicago, Ill.</b>	DATE WHEN MADE: <b>July 17-1917</b>	PERIOD FOR WHICH MADE: <b>7-17-17</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>In re Anarchists (See file Emma Goldman, et al) European Neutrality Matter</b>			
STATEMENT OF OPERATIONS EVIDENCE COLLECTED NAMES AND ADDRESSES OF PERSONS INTERVIEWED <b>At Chicago, Ill.</b>  Confidential informant working in conjunction with this office and the Chief of Police, reports under date of July 10th, as follows:  Nathanson got a telegram from New York to arrange a protest meeting against the sentence of Goldman and Berkman. The meeting to ask Russian Council to take the matter up, also to get the Commission that will be here interested. We are looking for speakers, and if we get some it will be at the West Side Auditorium, Saturday evening. The cases of those now in jail will be handled by the American Liberty Defense League. Darrow will handle Sostoni's case.  Velma Dolan and Luba Fagen left for Washington.			
COPY OF THIS REPORT FURNISHED TO: <b>Chicago and New York</b>			

RECEIVED  
JUL 20 1917  
Bureau of Investigation  
Department of Justice

15446

18

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550

# The Emma Goldman Papers

[Agent Report] In re: Anarchists (See files Emma Goldman, et al.), Chicago, 1917  
July 18 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation,  
Department of Justice]. — 1 p. ; 27 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh submits the report of an informant, who expects to go to New York to help get Goldman and Berkman out of prison.

Notes: Broken type.

H.G.Clabaugh

Chicago, Ill.

RECEIVED

Bureau of Investigation  
Department of Justice

for July 18, 17

In re Anarchists (See files Emma Goldman, et al.)

At Chicago, Illinois.

15446

~~Attention: This is a confidential communication~~

Confidential informant working in conjunction  
with the Chief of Police and this office reports under  
date of July 16th as follows:

"Saturday attended the Peace Conference.

To-day we had a meeting for the Goldman and  
Berkman defense at the Worker's Institute.

They may send me to New York to see the  
different leaders of the Anarchists 'about  
doing something to free them'. The social  
war will be printed in New York City, but  
it is impossible to learn where. Havel will  
get it on and we will get here this week."

Chicago Office

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# The Emma Goldman Papers

[Agent Report] In re: Inglewood (or Englewood) and H.F. Sexauer—German Activities, Los Angeles, 1917 July 18 [excerpt] / F.P. Webster [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

**Summary:** Agent Webster transmits a letter from the Santa Barbara chief of police, reporting Mr. Inglewood's suspicious behavior. Inglewood was living with H.F. Sexauer, a follower of Goldman.

**Notes:** Incomplete.

REPORT FORM NO. 1

Page 19

MADE BY: <b>F.P. WEBSTER</b>	PLACE WHERE MADE: <b>Los Angeles, Cal</b>	DATE WHEN MADE: <b>July 18, 1917</b>	PERIOD FOR WHICH MADE: <b>July 17-17.</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>In re INGLEWOOD (or ENGLEWOOD) and H.F. SEXAUER</b> <b>German Activities</b>			

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

**At Los Angeles, Cal:-**

Today the following letter was received from James Ross, chief of police, Santa Barbara, California, under date of the 14th inst.

"My attention has been called, from what appears to be a reliable source, to a peculiar happening that may have some significance, and deem it advisable to apprise you of the circumstances

About three months ago, a man giving his name as Inglewood (or Englewood) arrived in this city, and made his home with one H. F. Sexauer, at 1120 Hilpas Street, of whom I believe you have knowledge: Inglewood identifies himself as having been in the German Army and taken prisoner by the Russians and by them deported to Siberia and from where he later escaped through connivance with the prison authority, whom he claims was a fellow student with his father when young men in Paris. He makes several statements as to how he evaded the immigration officers and landed in San Francisco.

Inglewood claims to have been in the Mushroom business in Germany, and by arrangements with Sexauer, he commences to ~~knitting~~ build mushroom sellers on the latter's place, money for which was advanced by one Mrs. Kuhn, or Kuhns, to the amount of several hundred dollars.

This Mrs. Kuhn appears to have traveled considerable over the state, and a few months ago is said to have been associated with the household of Consul Bopp of San Francisco; she spends money freely, sent Mrs. Sexauer on a vacation to Berkeley and Yosemite. She claims to be getting money from a former student in Finland, where she at one time was a teacher. She is at the present time planning to visit the Santa Barbara Islands.

Sexauer is a disciple of Emma Goldman, and an associate of Prince Hopkins and Rev. Greenfield of this city, is a native of Germany, applied for citizenship in this County Court on September 3, 1914. While Inglewood claims to have held the position as "Pathfinder" being sent ahead of the troops with the maps etc? to verify locations; and while thus engaged, he together with twenty others, were captured by the Russians.

On June 17, or thereabouts, Inglewood disappeared, and has not been seen since, while his Sexauer friends profess being much disconcerted by his sudden disappearance in as much as his mushroom business was left half unfinished. His friends attribute his strange action to the intense hot weather prevailing during the time of his disappearance, or to having been picked up by the secret service dept.. Another story, however, in contradiction to the above is:- That he had planned to meet his son in Los Angeles about June 25, who it is claimed also served in the German army, and taking steamer from Spain with a Spanish passport, gained admittance to this country via New Orleans sometime in June, the time

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# The Emma Goldman Papers

810113017

[Telegram] 1917 July 18 [Washington, D.C. to Francis G. Caffey] United States Attorney [Department of Justice], New York / [Thomas Watt] Gregory [Attorney General, Department of Justice]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Gregory asks Caffey to help United States Attorney Allen in Seattle with his proposed prosecutions.

Notes: For reply, see 810113020. For telegram mentioned, see 810113018.

COPY

from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

NIGHT TELEGRAM

WCH-GMA

July 18, 1917.

186233-18-13

United States Attorney,  
New York City.

Following telegram received from United States Attorney Seattle. Quote if Goldman case is based upon Section six Penal Code, can Department furnish copy indictment and briefs opinion that case immediately unquote. Understood that prosecution not under Section six, but desire you to give United States attorney such assistance as you can.

Gregory

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# The Emma Goldman Papers

[Letter] 1917 July 18, New York [to Thomas Watt Gregory] Attorney General [Department of Justice], Washington, D.C. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 2 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey informs the attorney general that he has offered to help United States Attorney Allen in Seattle with any prosecutions related to the Goldman case.

Notes: Reply to 810113017.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
UNITED STATES ATTORNEY  
AND REFER TO  
INITIALS AND NUMBER

H A C

15385

Department of Justice

United States Attorney's Office

New York

8

July 18 1917

The Attorney General,  
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your telegram of July 18, 1917 which reads as follows:

" Following telegram received from United States Attorney Seattle - Quote if Goldman Case is based upon section six penal code can department furnish copy indictment and briefs opinion that case immediately unquote - understood that prosecution not under section six but desire you to give United States Attorney such assistance as you can."

I have just sent a telegram to the United States Attorney at Seattle, as follows:

" Replying your telegram Attorney General Goldman case based upon sections thirty seven and three thirty two Criminal Code and section five Act May eighteenth nineteen seventeen and not upon section six Criminal Code. Will gladly render any assistance you may indicate."

My assistant, Mr. Content, had occasion to mention this on the telephone this afternoon, July 18, 1917, to Assistant Attorney General Fitts. I understand that Mr.

186233-13-14  
JUL 19 A.M.

## The Emma Goldman Papers

[Letter] 1917 July 18, New York [to Thomas Watt Gregory] Attorney General [Department of Justice], Washington, D.C. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 2 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Caffey informs the attorney general that he has offered to help United States Attorney Allen in Seattle with any prosecutions related to the Goldman case.

**Notes:** Reply to 810113017.

COPY

from  
THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

H A C - 15385 - S

The Attorney General, ..2

Fitts approved of my action in telegraphing United  
Attorney Allen.

Respectfully,

*Francis G. Caffey*

U. S. Attorney,

# The Emma Goldman Papers

[Telegram, 1917 July 18, New York to Clay Allen, United States Attorney, Department of Justice, Seattle, Wash.] / [Francis G. Caffey, United States Attorney, Department of Justice]. — 1 p. ; 25 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey explains that Goldman and Berkman were charged with conspiracy to violate the draft law and not seditious conspiracy.

Notes: Lower indented quotation only. Enclosed under 810113020. Reply to 810113018.

INITIALS AND NUMBER

H A C

15385

Department of Justice

United States Attorney's Office  
New York

8

July 18 1917

The Attorney General,  
Washington, D. C.

Sir:

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186233-13-14

JUL 19 A.M.

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The Emma Goldman Papers

[Telegram] 1917 July 18, Jefferson City, Mo. [to] Alex[ander] Berkman, Atlanta, Ga. / Ben [Reitman]. — 1 p. ; 16 × 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Reitman informs Berkman that he saw Goldman in prison. She is well, but worried about Berkman's possible extradition to San Francisco.

Notes: Broken type; light copy; barely legible. Enclosed with 870213000, 870217002, and 880603087.

CLASS OF SERVICE DESIRED	
Fast Day Message	
Day Letter	
Night Message	
Night Letter	

Patrons should mark an X opposite the class of service desired; OTHERWISE THE TELEGRAM WILL BE TRANSMITTED AS A FAST DAY MESSAGE.

WESTERN UNION  
TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

Form 1200	
Receiver's No.	
Check	
Time Filed	

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

Jefferson City, Mo., July 18, 1917.

Alex. Berkman, U. S. Federal Prison,

Atlanta, Ga.

Dear Baba:-

Just saw our lady of sorrow, is well, worried about Frisco. I don't think there is the slightest danger. I am going right on to New York to take charge of things. Ben Capas is with me and sends love. The World sure does move, ideas live long.

(Signed)

Ben.

Night Letter Paid. Rec'd. July 19, 1917. 8.00 A.M.

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# The Emma Goldman Papers

[Letter] 1917 July 18 [Washington, D.C. to] R[alph H.] Van Deman [Chief, Military Intelligence Division] War Department, [Washington, D.C.] / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 2 p. ; 25 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski reports that Goldman's bank deposit of \$2,400 came from James Hallbeck.

Notes: Dark copy; barely legible. Reply to 870810007. For Offley report, see 880603075.

JHK:31

July 18, 1917.

Major R. Van Deman,

Office of the General Staff,

War Department.

Dear Sir:

In reply to your letter of July 10, concerning the deposit of Emma Goldman of \$2400.00 with the National Produce Exchange Bank. I beg to advise that the following letter has been received from Agent Offley of New York, concerning this matter.

A. B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D. C.

Dear Sir:

In reply to your letter JHK of the 14th instant, I beg to advise you that the instrument referred to in the report of Agent McGee as seen by him, June 14, 1917, in the possession of Miss Fitzgerald, was a certificate of deposit of the National Produce Exchange Bank for \$2400, instead of \$24000, payable to the order of Emma Goldman.

The money for this certificate was contributed by James Hallbeck, seventy-nine years of age and apparently of rather weak intellect.

He is a retired tailor who has from time to time contributed funds to Miss Goldman, seemingly because infatuated by her.

BEST COPY AVAILABLE

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## The Emma Goldman Papers

[Letter] 1917 July 18 [Washington, D.C. to] R[alph H.] Van Deman [Chief, Military Intelligence Division] War Department, [Washington, D.C.] / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 2 p. ; 25 × 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Bielaski reports that Goldman's bank deposit of \$2,400 came from James Hallbeck.

**Notes:** Dark copy; barely legible. Reply to 870810007. For Offley report, see 880603075.

Major Van Deman -- page 2.

There is nothing to indicate that he is an anarchist or possesses dangerous tendencies.

The certificate of deposit was cashed shortly after the arrest of Emma Goldman and Alexander Berkman and a portion of the proceeds apparently used to finance their defence.

Yours very truly,

(Signed) Wm. M. Offley,

Division Superintendent.

I trust this information sufficiently answers your inquiry.

Yours very truly,

Chief.

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# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Writ of Error, 1917 July 19 / Louis D. Brandeis, Associate Justice, United States Supreme Court. — 2 p. ; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: The Supreme Court orders the United States District Court to send them Goldman and Berkman's trial record for review.

Notes: Title handwritten by Harry Weinberger. Bracketed date by Yale University Library.

[1917 Jul. 19]

*Writ of Error and order allowing same*

UNITED STATES OF AMERICA, SS:

THE PRESIDENT OF THE UNITED STATES, To the Honorable the Judges of the District Court of the United States for the Southern District of New York, Greeting:

BECAUSE in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court before you, or some of you, between The United States of America, Plaintiff, and Alexander Berkman and Emma Goldman, Defendants, a manifest error hath happened, to the great damage of the said defendants as by their complaint appears. We being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same in the said Supreme Court at Washington, within 30 days from the date hereof, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right, and according to the laws and customs of the United States should do done.

WITNESS the Honorable EDWARD D. WHITE, Chief Justice of the United States, the 19th day of July, in the year of our Lord one thousand nine hundred and seventeen.

JAMES D. MAHER, —

(Seal)

Clerk of the Supreme Court of the United States.

Allowed by

LOUIS D. BRANDEIS,  
Associate Justice of the Supreme Court of the United States.



The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Writ of Error, 1917 July 19 / Louis D. Brandeis, Associate Justice, United States Supreme Court. — 2 p. ; 34 × 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: The Supreme Court orders the United States District Court to send them Goldman and Berkman's trial record for review.  
Notes: Title handwritten by Harry Weinberger. Bracketed date by Yale University Library.

Sir:—

Please take notice that the within is a true copy of a  
this day duly filed and entered in the office of the Clerk of the

Dated, N. Y., 191

Yours, &c.,

HARRY WEINBERGER

ATTORNEY FOR  
Office and Post Office Address  
261 BROADWAY

Borough of Manhattan New York City  
To Esq.

ATTORNEY FOR

NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice

at of  
this Court at

in the Borough of  
in the City of New York,  
on the day of 191  
at o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., 191

Yours, &c.,

HARRY WEINBERGER

ATTORNEY FOR  
Office and Post Office Address  
261 BROADWAY

Borough of Manhattan New York City  
To Esq.

ATTORNEY FOR

CLERK'S INDEX NO.

YEAR

UNITED STATE SUPREME COURT.

UNITED STATES OF AMERICA,

Plaintiff

against

ALEXANDER BERKMAN and EMMA  
GOLDMAN,

Defendant S.

ORIGINAL

WRIT OF ERROR.

HARRY WEINBERGER

ATTORNEY FOR Defendants  
Office and Post Office Address  
261 BROADWAY

Borough of Manhattan New York City

To Esq.

ATTORNEY FOR

Due and timely service of a copy of the  
within

is, hereby admitted.

Dated, N. Y., 191

Attorney for

## The Emma Goldman Papers

871110001

[United States v. Goldman & Berkman:] Supersedeas, 1917 July 19 [draft] / Louis D. Brandeis, Associate Justice, United States Supreme Court. — 1 p.; 28 x 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Weinberger prepares a writ of supersedeas for Justice Brandeis to sign. The writ will suspend proceedings at the District Court pending the Supreme Court's decision.  
Notes: Lower document only. Signed by Harry Weinberger. Enclosed with 850806201 and 871110002. For printed text, see official trial transcript, 810206005, at page 541.

FOL. 4      be done, and also that an order be made herein that all other proceedings in this action in this court be suspended and stayed until the determination of said Writ of Error by the said Supreme Court of the United States.

And your petitioner will ever pray, etc.

Dated this 17th day of July, 1917.

*Harry Weinberger*

Attorney for Defendants Alexander Berkman and Emma Goldman,  
Office & P. O. Address,  
261 Broadway,  
Borough of Manhattan,  
City of New York.

" 5

### Supersedeas

Writ of Error, to operate as a Supersedeas, allowed, returnable, according to law, the defendants to furnish bail in the sum of *Twenty-five Thousand* <sup>(25,000)</sup> Dollars, each conditioned according to law, subject to the approval of one of the Judges of the United States District Court for the Southern District of New York.

Dated, July 19 1917.

*Louis D. Brandeis*

*Associate*

Justice of the United States Supreme Court for the Second Circuit.

" 6

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# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Petition for Writ of Error and Supersedeas [1917 July 19? (cover page)] / [Harry Weinberger]. — 1 p. ; 22 × 19 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Notes: For enclosures, see 850806201 and 871110001.

## NOTICE OF ENTRY

Sir:—

Please take notice that the within is a true copy of a \_\_\_\_\_ this day duly filed and entered in the office of the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

## NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of \_\_\_\_\_ in the City of New York,

on the \_\_\_\_\_ day of \_\_\_\_\_ 191

at \_\_\_\_\_ o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

CLERK'S INDEX NO.

YEAR

U. S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF N. Y.  
UNITED STATES OF AMERICA,

Plaintiff

against

ALEXANDER BERKMAN and EMMA  
GOLDMAN,

Defendants.

## COPY

PETITION FOR WRIT OF  
ERROR AND SUPERSEDEAS.

**HARRY WEINBERGER**

ATTORNEY FOR Defendants, \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the within \_\_\_\_\_

is, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for \_\_\_\_\_

## The Emma Goldman Papers

850806202

[Goldman & Berkman v.] United States: Citation, 1917 July 19 [draft] / Louis D. Brandeis, Associate Justice, United States Supreme Court. — 2 p. ; 28 x 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Justice Brandeis orders the United States to appear before the Supreme Court to argue whether the Supreme Court should hear Goldman and Berkman's appeal.  
Notes: Title handwritten by Weinberger. For printed text, see official trial transcript, 810206005, at page 542. For copy, see 810113036.

[Jul. 19, 1917]

*Citation*

UNITED STATES OF AMERICA, SS:

TO THE UNITED STATES OF AMERICA,

GREETING:

You are hereby cited and admonished to be and appear at a SUPREME COURT OF THE UNITED STATES, at Washington, within thirty days from the date hereof, pursuant to a writ of error, filed in the Clerk's Office of the District Court of the United States for the Southern District of New York wherein Alexander Berkman and Emma Goldman are plaintiffs in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable LOUIS D. BRANDEIS, Associate Justice of the Supreme Court of the United States, this 19th day of July, in the year of our Lord one thousand nine hundred and seventeen.

(~~signed~~) LOUIS D. BRANDEIS  
Associate Justice of the Supreme Court of the United States.



# The Emma Goldman Papers

850806202

[Goldman & Berkman v.] United States: Citation, 1917 July 19 [draft] / Louis D. Brandeis, Associate Justice, United States Supreme Court. — 2 p. ; 28 x 22 cm.  
 Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
 Summary: Justice Brandeis orders the United States to appear before the Supreme Court to argue whether the Supreme Court should hear Goldman and Berkman's appeal.  
 Notes: Title handwritten by Weinberger. For printed text, see official trial transcript, 810206005, at page 542. For copy, see 810113036.

Sir:—

## NOTICE OF ENTRY

Please take notice that the within is a true copy of a  
 this day duly filed and entered in the office of the Clerk of the

Dated, N. Y., 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR  
 Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To Esq.

ATTORNEY FOR

## NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice

at this Court at

in the Borough of  
 in the City of New York,  
 on the day of 191

at o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR  
 Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To Esq.

ATTORNEY FOR

CLERK'S INDEX No.

YEAR

UNITED STATES SUPREME COURT .

ALEXANDER BERKMAN and EMMA GOLDMAN,

Plaintiffs-in-error

against

UNITED STATES OF AMERICA,

Defendant-in-error

copy  
 ORIGINAL

CITATION.

**HARRY WEINBERGER**

ATTORNEY FOR Plaintiffs-in-error,

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To Esq.

ATTORNEY FOR

Due and timely service of a copy of the within

is, hereby admitted.

Dated, N. Y., 191

Attorney for

# The Emma Goldman Papers

[Goldman & Berkman v.] United States: Citation, 1917 July 19 / Louis D. Brandeis,  
Associate Justice, United States Supreme Court. — 2 p. ; 36 × 21 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 60.  
Notes: Enclosed with 810113033. Copy of 850806202.

UNITED STATES SUPREME COURT.

ALEXANDER BERKMAN AND  
EMMA GOLDMAN,

Plaintiffs-in-  
error.

against

UNITED STATES OF AMERICA

Defendant -in-  
error

(COPY)

CITATION

HARRY WEINBERGER,  
Attorney for Plaintiffs-in-error  
261 Broadway,  
Borough of Manhattan,  
New York City.

# The Emma Goldman Papers

[Goldman & Berkman v.] United States: Citation, 1917 July 19 / Louis D. Brandeis, Associate Justice, United States Supreme Court. — 2 p. ; 36 × 21 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 60.  
 Notes: Enclosed with 810113033. Copy of 850806202.

**COPY**  
 from  
**THE NATIONAL ARCHIVES**  
 Record Group No. 60

Records of the Department of Justice  
 Central File Number 186233-13 (Section 1)

UNITED STATES OF AMERICA, SS:

TO THE UNITED STATES OF AMERICA,

GREETING:

You are hereby cited and admonished to be and appear at a SUPREME COURT OF THE UNITED STATES, at Washington, within thirty days from the date hereof, pursuant to a writ of error, filed in the Clerk's Office of the District Court of the United States for the Southern District of New York wherein Alexander Berkman and Emma Goldman are plaintiffs in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable LOUIS D. BRANDEIS, Associate Justice of the Supreme Court of the United States, this 19th day of July, in the year of our Lord one thousand nine hundred and seventeen.

(signed) LOUIS D. BRANDEIS  
 Associate Justice of the  
 Supreme Court of the  
 United States.

## The Emma Goldman Papers

810128116

[Letter] 1917 July 19, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster, Post Office [Department].  
- 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: The New York postmaster has destroyed the copies of *Mother Earth* for May 1917, following the solicitor's instructions. He asks what to do with the unmailable June 1917 issues.

Notes: For reply, see 810128115. For letter of June 29 mentioned, see 810128140. Letter of 12 July is missing from file.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.



July 19, 1917

Solicitor,

Post Office Department.

Your letter of the 12th instant (S-46647-0) stating that the May issue of "Mother Earth" is nonmailable has been received and the copies of this issue destroyed as directed.

Please advise what disposition should be made of the copies of the June 1917 issue (Vol. XII No.4) which are on hand at this office and which issue is also nonmailable according to the information in your letter of the 29th ultimo.

H-h

*T. G. Patten*  
Postmaster

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# The Emma Goldman Papers

[Telegram] 1917 July 19 [Washington, D.C. to Francis G. Caffey] United States Attorney [Department of Justice], New York / [Thomas Watt] Gregory [Attorney General, Department of Justice]. — 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Gregory informs Caffey that the Supreme Court agreed to hear appeals in the anti-conscription cases. He instructs Caffey to prepare for demonstrations when the defendants return to New York.

Notes: For reply, see 810113030.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

WCF-RSH

186-233-13-

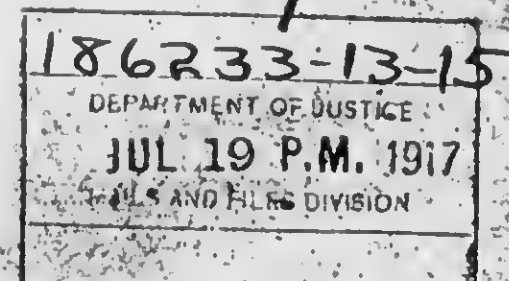
July 19, 1917.

United States Attorney,

New York City.

Writs of error granted in all four cases. Supersedeas bonds fixed at same amounts named by trial court for appearance bonds. Prepare against any disturbance likely to occur when defendants return to New York.

Gregory



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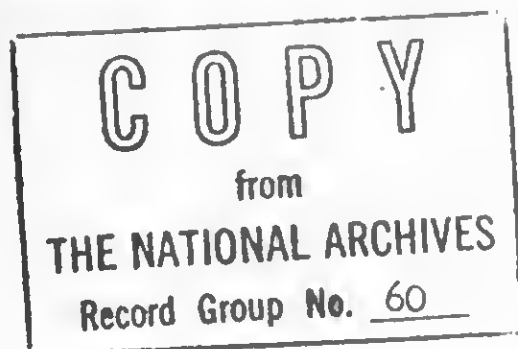
# The Emma Goldman Papers

[Letter] 1917 July 19, New York [to Thomas Watt Gregory] Attorney General  
[Department of Justice], Washington, D.C. / Francis G. Caffey, United States Attorney,  
Department of Justice. — 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey reassures the attorney general that he instructed the United States marshal and the New York police to prepare for Goldman and Berkman's return from prison.

Notes: Reply to 810113031.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

United States Attorney's Office

15313-15385.

New York

July 19, 1917.

The Attorney General,

Washington, D. C.

Sir:

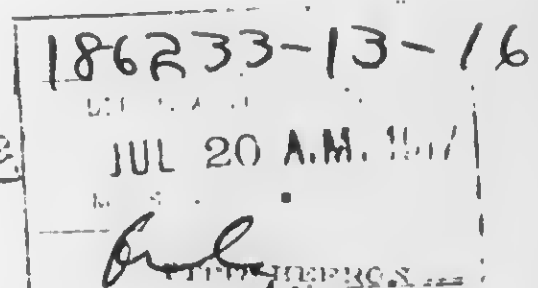
I have your telegram of July 19, 1917, notifying me that writs of error have been granted to all the defendants in the cases of United States v. Emma Goldman and Alexander Berkman and United States v. Louis Kramer and Morris Becker; that supersedeas bonds have been fixed at the same amounts named by the trial court for appearance bonds; and instructing me to prepare against any disturbance likely to occur when the defendants return to New York.

This office will be alert to prevent any disturbances. I have furnished the United States Marshal a copy of your instructions and I shall also call the attention of the local police authorities to the situation.

Respectfully,

*Francis G. Caffey*

United States Attorney.



*Herron*

# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Anti-Conscription Propagandists, New York, 1917 July 19 / T.J. McGee [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent McGee reports that he testified at Goldman's trial on July 2, 1917.

Notes: Broken type.

REPORT FORM NO. 1

15446

REPORT MADE BY: T. J. McGee	PLACE WHERE MADE: New York City	DATE WHEN MADE: July 19 1917	PERIOD FOR: Jul 2 '17
--------------------------------	------------------------------------	---------------------------------	--------------------------

TITLE OF CASE AND OFFENSE CHARGES OR SUBJECT OF MATTER UNDER INVESTIGATION:

IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN,  
Anti-Conscription Propagandists

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

Remained in the court room during the entire afternoon waiting to be called as a witness in this case. I was called and testified during the late afternoon.

COPY OF THIS REPORT FURNISHED TO:

07-077

# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman and Alexander Berkman—Anti-Conscription Matter, New York, 1917 July 20 / S.D. Bradley [Agent, Bureau of Investigation, Department of Justice].— 1 p. ; 27 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: J.T. Potter promises to send the Bureau of Investigation a letter announcing an anti-conscription meeting.

REPORT MADE BY: <b>S. D. Bradley.</b>	PLACE WHERE MADE: <b>New York, N. Y.</b>	DATE WHEN MADE: <b>July 20, 1917.</b>	PERIOD FOR WHICH MADE: <b>July 16.</b>
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION: <b>IN RE: EMMA GOLDMAN AND ALEXANDER BERKMAN, ANTI-CONSCRIPTION MATTER. (J. T. POTTER, INFORMANT)</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, DATES AND ADDRESSES OF PERSONS INTERVIEWED: <b>Mr. J. T. Potter, Branch Manager, Willys-Cordell and Co., 352 East 149th St., phoned this office that one of their employees, George Davidson, 108 West 132nd St., had received an anti-conscription letter, dated July 10, asking him to attend a meeting July 16th at Room 12, 176 East Broadway. Letter was not signed, and Mr. Potter promised to mail letter in question to this office. The above information was given to Division Superintendent Offley, who stated police would attend to the matter.</b>			
COPY OF THIS REPORT FURNISHED TO: <b>Asst. U. S. Attorney General, New York, N.Y.</b>			

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## The Emma Goldman Papers

[Letter] 1917 July 20 [New York to] Louis D. Brandeis, Associate Justice, United States Supreme Court, Washington, D.C. / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger returns Goldman and Berkman's surety bonds to Justice Brandeis, since New York does not require such bonds in criminal cases.

**Notes:** Broken type; barely legible.

July 20th, 1917.

Hon. Louis D. Brandeis,

Associate Justice U. S. Supreme Court,

Stoneleigh Court, Washington D. C.

My dear Judge:

The clerk of the court thought a surety was necessary, but I am informed in New York that in criminal cases these bonds are not necessary as there are no costs in criminal cases. I am therefore returning the bonds to you.

I am enclosing two pamphlets written by me which may interest you, entitled "The First Casualties of War" and "Constitutional Rights in War Times."

As a young attorney, and a personal admirer of your career, I would appreciate meeting you again when you come sometime to New York, or when I come to Washington again.

Respectfully,

BEST COPY AVAILABLE

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## The Emma Goldman Papers

830214011

[Letter] 1917 July 20, Washington [D.C. to James R. Dunn] Inspector in Charge  
[Bureau of] Immigration [Department of Labor], St. Louis, Mo. / A[nthony] Caminetti,  
Commissioner General [Bureau of Immigration, Department of Labor]. -  
1 p.; 29 x 22 cm.

Obtained from the Immigration and Naturalization Service via FOIA.

Summary: Caminetti sends an arrest warrant for Goldman to the immigration inspector in St. Louis to use  
when she gets out of prison.

Notes: For enclosure, see 830214012.

WASHINGTON

52410,43-A

July 20, 1917.

Inspector in Charge,  
Immigration Service,  
St. Louis, Mo.

The Bureau transmits herewith, for execution in due course, warrant of arrest issued to-day for Emma Goldman. This alien was, on July 9, 1917, convicted in the United States District Court for the Southern District of New York of having conspired to violate the provisions of the Selective Draft Act of May 18, 1917, and sentenced to pay a fine of \$10,000 and to serve two years in the State Penitentiary at Jefferson City, Mo.

Inc. 4748.

EFH

*A. Caminetti*  
Commissioner-General.

574

# The Emma Goldman Papers

830214012

[Warrant] 1917 July 20 [for arrest of Emma Goldman] / Louis F. Post, Assistant Secretary of Labor, Department of Labor. — 1 p. ; 29 × 22 cm.

*Obtained from the Immigration and Naturalization Service via FOIA.*

**Summary:** The Bureau of Immigration prepares a warrant authorizing Inspector Dunn in St. Louis to arrest Goldman for deportation because she is an alien who advocates anarchy.

**Notes:** Enclosed with 830214010 and 830214011.

## United States of America

DEPARTMENT OF LABOR

WASHINGTON

52410/43-A

Inc. 4748.

TO JAMES R. DUNN, Inspector in Charge, St. Louis, Mo.,  
Or to any Immigrant Inspector in the service of the United States.

WHEREAS, from evidence submitted to me, it appears that the alien

EMMA GOLDMAN,

who landed at the port of an unknown port,

on ----- the ----- day of ----- has been found in the United States  
in violation of the immigration act of February 5, 1917, for the following among  
other reasons:

That she has been found advocating or teaching anarchy, or the overthrow by  
force or violence of the Government of the United States or of all forms of law, or  
the assassination of public officials,

I, LOUIS F. POST,

Assistant Secretary of Labor, by

virtue of the power and authority vested in me by the laws of the United States,

do hereby command you to take into custody the said alien and grant her a

hearing ----- to enable her to show cause why she should

not be deported in conformity with law.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal, this 20th day of July, 1917.

EFH

14-86

Assistant Secretary of Labor.

BEST COPY AVAILABLE

575

# The Emma Goldman Papers

830214013

[Warrant] 1917 July 21 [for arrest of Alexander Berkman] / Louis F. Post, Assistant Secretary of Labor, Department of Labor. — 1 p. ; 29 x 22 cm.

Obtained from the Immigration and Naturalization Service via FOIA.

Summary: The Bureau of Immigration prepares a warrant authorizing Inspector Wallis in Jacksonville to arrest Berkman for deportation because he is an alien who advocates anarchy.

Notes: Enclosed with 830214010.

## United States of America

DEPARTMENT OF LABOR

No. 52410/43-A

WASHINGTON

Ins. 4749.

JOSEPH H. WALLIS, Inspector in Charge, Jacksonville, Florida,  
To Or to any Immigrant Inspector in the service of the United States.

WHEREAS, from evidence submitted to me, it appears that the alien  
**ALEXANDER BERKMAN,**

who landed at the port of ----- an unknown port,

on the day of ----- has been found in the United States

in violation of the immigration act of February 5, 1917, for the following among

other reasons:

That he has been found advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials,

I, **LOUIS F. POST,**

Assistant Secretary of Labor, by

virtue of the power and authority vested in me by the laws of the United States,

do hereby command you to take into custody the said alien and grant him a

hearing ----- to enable him to show cause why he should

not be deported in conformity with law.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 21st day of July, 1917.

EPH

14-85

Assistant Secretary of Labor.

576



## The Emma Goldman Papers

830214010

[Memorandum] 1917 July 21, Washington [D.C. to Anthony Caminetti] Commissioner General, Bureau of Immigration [Department of Labor, Washington, D.C.] / Louis F. Post, Assistant Secretary [of Labor] Department of Labor. — 1 p. ; 29 x 22 cm. Obtained from the Immigration and Naturalization Service via FOIA.

Summary: Louis Post signs and returns Berkman's arrest warrant to the Bureau of Immigration, but refuses to sign Goldman's warrant because the Bureau cannot prove she is an alien.

Notes: For enclosures, see 830214012 and 830214013. For documents mentioned, see 830214126 and 830214166 through 830214168.

DEPARTMENT OF LABOR  
OFFICE OF THE ASSISTANT SECRETARY  
WASHINGTON

JUL 21 1917  
BUREAU OF IMMIGRATION  
LAW

July 21, 1917.

52410/43-A

In re EMMA GOLDMAN and ALEXANDER BERKMAN

MEMORANDUM to the BUREAU OF IMMIGRATION:

(Through the Commissioner-General)

I. Proposed warrant of arrest of the alien Berkman under date of July 20, 1917 and hereunder, drawn pursuant to Section 19 of the Immigration Act of 1917, is herewith returned to the Bureau signed for execution.

II. Proposed warrant of arrest of Goldman under date of July 20, 1917 and hereunder, issued pursuant to the same section of the same Act noted above, is herewith returned unsigned because I find no evidence in the accompanying record to show prima facie that the person described in the warrant as an alien, is in fact an alien. The only evidence submitted in that respect is as follows: (1) Her statement of pedigree made at the bar of the United States District Court in New York, July 9, 1917, preliminary to sentence upon conviction under the conscription act, in which she said in effect that she was born in Russia, is single, and is a citizen of the United States in virtue of her father's naturalization. (2) A record of her examination for admission to the United States in 1908 from Canada--- where she had been temporarily --- in which she gave her birth nation as Germany and said that she had been married and was a citizen of the United States in virtue of her husband's and also of her father's naturalization, the same record showing that upon this occasion she was admitted from Canada into the United States by the unanimous vote of the Board of Special Inquiry sitting in behalf of the Immigration Service of the United States in her case.

Upon submission of prima facie evidence of her alienage, warrant for ~~the~~ arrest will be signed for execution in the Goldman case as in the case of the alien Berkman. Your attention is called to file 52410/43, referred to in the record now before me, and further recommendation is requested.

*Louis F. Post*

Assistant Secretary.

577

# The Emma Goldman Papers

830214008

[Memorandum] 1917 July 21, Washington [D.C. to Anthony Caminetti] Commissioner General, Bureau of Immigration [Department of Labor, Washington, D.C. (draft)] / [Louis F. Post] Assistant Secretary [of Labor, Department of Labor]. - 1 p.; 29 x 22 cm.

Obtained from the Immigration and Naturalization Service via FOIA.

Notes: Handwritten postscript by Post. Draft of 830214010.

WASHINGTON

82410/43-A

July 21, 1917.

In re EMMA GOLDMAN and  
ALEXANDER BERKMAN

MEMORANDUM to the BUREAU OF IMMIGRATION:

(Through the Commissioner-General)

I. Proposed warrant of arrest of the alien Berkman under date of July 20, 1917 and hereunder, drawn pursuant to Section 19 of the Immigration Act of 1917, is herewith returned to the Bureau signed for execution.

II. Proposed warrant of arrest of Goldman under date of July 20, 1917 and hereunder, issued pursuant to the same section of the same Act noted above, is herewith returned unsigned because I find no evidence in the accompanying record to show prima facie that the person described in the warrant as <sup>an</sup> alien, is in fact an alien. The only evidence submitted in that respect is as follows: (1) Her statement of pedigree made at the bar of the United States District Court in New York, July 9, 1907, preliminary to sentence upon conviction under the conscription act, in which she said in effect that she was born in Russia, is single, and is a citizen of the United States in virtue of her father's naturalization. (2) A record of her examination for admission to the United States in 1908 from Canada --- where she had been temporarily --- in which she gave her birth nation as Germany and said that she had been married and was a citizen of the United States in virtue of her husband's and also of her father's naturalization, the same record showing that upon this occasion she was admitted from Canada into the United States by the unanimous vote of the Board of Special Inquiry sitting in behalf of the Immigration Service of the United States in her case.

Upon submission of prima facie evidence of her alienage, warrant for her arrest will be signed for execution as in the case of the alien Berkman.

*Your attention is called to file 82410/43, referred to in the record now before me, and for further recommendation is requested*

LFP:AVS.

Assistant Secretary.

578

# The Emma Goldman Papers

[Letter] 1917 July 21, Norfolk, Va. [to Thomas Watt Gregory] Attorney General, Dep[artmen]t of Justice, Washington, D.C. / [Richard Chicy]. — 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Holding up the example of the Goldman and Berkman prosecution, Richard Chicy wants the Justice Department to prosecute a poet who called soldiers fools.

Notes: Portions illegible. For reply, see 810113008.

COPY

from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

Norfolk, Va. July 21st. 1917

Attorney-General, U.S.

Dept. of Justice,

Washington, D.C.

Dear Sir:-

Emma Goldmann and one Beckman were recently sent to the Federal penitentiary for two years on the charge of obstructing the draft. Their obstruction consisted in words; there was no overt act.

In a recent issue of a magazine mis-named "Poetry" and published at 545 Cass Street, Chicago, Ill. there appears a poem entitled "Niagara." in which the following lines occur:-

"What marching men of Buffalo  
Flood the streets in rash crusade?  
Fools-to-free-the-world, they go,"

I cannot see how this insult can be explained away by the plea of "poetic license." It is thrown in without rhyme or reason and apparently intended as a slur on the men who enlist in the present war, and an intimation to all who would defend their country that they are fools. I do not think that either Goldmann or Beckman went quite so far as this, and I think that in the spirit of American fair-play and equal justice, and for the honor of our valiant men who have enlisted in the service of their country that both the author of this poem and the editor who published it - be they who they may - should be jacked up and duly penalized for a gratuitous affront to the military forces of the nation in a day of crisis.

I trust sincerely that you will not let this matter where it is. I have two sons who have enlisted for the war and deeply resent the imputation that they are "fools-to-free-the-world in a rash crusade." It is a clear case of obstructing the draft.

BEST COPY AVAILABLE



## The Emma Goldman Papers

[Letter] 1917 July 21 [Washington, D.C. to] Postmaster [Post Office Department],  
Lewiston, Idaho / W[illiam] H. Lamar, Solicitor [Post Office Department]. —  
1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** The Post Office solicitor advises the Lewiston, Idaho, postmaster that *Mother Earth's* June 1917 issue is nonmailable under the Espionage Act.

**Notes:** Broken type; light copy.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-16647-W

July 21, 1917.

Postmaster,  
Lewiston, Idaho.

In reply to your communication of the 13th instant, you are  
informed that the June issue of "Mother Earth" is nonmailable  
under the Act of June 15, 1917.

(Signed) W. H. LAMAR  
Solicitor.

BEST COPY AVAILABLE

580



# The Emma Goldman Papers

[Agent Report] In re: Ben Reitm[a]n—Supposed Anarchist, Pal of Emma Goldman, Los Angeles, 1917 July 21 / E. Kosterlitzky [Agent? Bureau of Investigation, Department of Justice].— 1 p.; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Acting on a tip, Agent Kosterlitzky goes to 2347 Ocean Avenue looking for Reitman.

REPORT MADE BY: <b>E. Kosterlitzky</b>	PLACE WHERE MADE: <b>Los Angeles</b>	DATE MADE: <b>7/21-17.</b>	PERIOD FOR WHICH MADE: <b>7/21-17.</b>
TITLE OF CASE AND OFFENSE, CHARGES OR NATURE OF MATTER UNDER INVESTIGATION: <b>IN RE: BEN REITMON</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <b>Supposed Anarchist, pal of Emma Goldman</b>			
<b>At Los Angeles - Cal:</b>			
<p>The following letter addressed to <u>Captain Geo. K. Hene</u> Commanding Detective Bureau of the Police Department by Patrolman <u>H. C. Sanders</u>, dated Los Angeles, July 13th:-1917. was delivered to this office:</p> <p>" Mr. Chas. Gabbart a private watchman with headquarters at the Coronado Garage, 7th, &amp; Coronado Streets, wished me to inform you that a <u>Mr. Ben Reitmon</u>, pal of <u>Emma Goldman</u> and who has recently been run out of San Diego, is living at 2347, Ocean Ave: this City, Tel: 53188. He also states that there are several other radical socialists hanging out at this address".</p> <p>Agent called at above address and finds that it is a four room, badly kept on the outside Bungalow, in the heart of a very fine residence part. No one answered the Bell. Looking through the windows could not discover anything of a suspicious nature; in the mail box at the door, there were three letters addressed to <u>Miss Ida Ratuin</u>, two of them postmarked New York, one from Chicago and one from Kansas City. While at this place a Western Union Telegraph Messenger arrived with a telegram for <u>Miss Ratuin</u>, he left a call notice in the mail box.</p> <p>Back of number 2347, is a small outhouse, a very old woman was its sole occupant, she informed Agent that <u>Reitmon</u> had not been seen at the place for about one week and that she had heard he had left for Saint Louis, further information I was unable to elicit from this woman, she appeared to be suspicious of me.</p>			
COPY OF THIS REPORT FURNISHED TO:			

BEST COPY AVAILABLE

581

# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman, New York, 1917 July 23 / Richmond Levering  
[Agent? Bureau of Investigation, Department of Justice]. — 1 p. ; 28 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Agent Levering reports that an operative followed two people from Goldman's last New York meeting to Bambar Hall in Greenville, N.J.

**Notes:** Broken type.

REPORT FORM NO. 2

Richmond Levering

New York

July 23, 1917

July 14

In re EMMA GOLDMAN

ESU-VW

RECEIVED  
JUL 27 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

(Information by Wilbur C. Fisk)

"One of my operatives reports that there is a three story building known as Bambar Hall on Linden Avenue, between Ocean Avenue and Old Bergen Road, Greenville, N. J. It is a meeting place for Pro-Germans, socialists and anarchists. It has been reported to me that at last meeting which Miss Emma Goldman attended in New York City, operative shadowed two of her associates to this hall."

W.C.F.

BEST COPY AVAILABLE

582

## The Emma Goldman Papers

[Letter] 1917 July 23 [Washington, D.C. to Thomas G. Patten] Postmaster [Post Office Department], New York / W[illiam] H. Lamar, Solicitor [Post Office Department].  
— 1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar orders the New York postmaster to destroy all but six copies of *Mother Earth* for June 1917.

**Notes:** Reply to 810128116.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-W

July 23, 1917.

Postmaster,  
New York, New York.

In answer to your letter of the 19th instant, you were directed to completely destroy all copies of the June, 1917, issue of Volume XII, No. 4, of "Mother Earth," now in the mails in your office.

Please, however, retain six copies of that issue for future use by the Department or the Courts, if called for.

(Signed) W. H. LAMAR

Solicitor.

# The Emma Goldman Papers

[Letter] 1917 July 23, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster [Post Office Department].  
— 1 p. ; 33 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Patten notifies Lamar that he has held up delivery of the July 1917 issue of *Mother Earth* pending instructions.

Notes: For reply, see 810128100.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.

46647  
July 23, 1917.

2 Encls.

Solicitor,

Post Office Department.

In accordance with the instructions in your letter of the 16th ultimo (S-46647-W), two copies of the July 1917 issue of "Mother Earth" are enclosed herewith. As previous issues of this publication have been declared non-mailable information is desired as to whether the July issue is mailable, and pending the receipt of advice about 350 copies of this issue which have been deposited in the mails will be held.

*T. G. Patten*  
Postmaster.

M-b



# The Emma Goldman Papers

[Letter] 1917 July 23 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / William C. Fitts, Assistant Attorney General [Department of Justice]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Fitts approves Caffey's offer of assistance to the United States attorney in Seattle.

Notes: Reply to 810113020.

COPY

from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

WCH-GRA

186233-13-14

July 25, 1917.

Francis G. Caffey, Esq.,  
United States Attorney,  
New York City.

Sir:

I beg to acknowledge your letter of the 18th instant, relative to your communication to the United States Attorney at Seattle, on the Berkman-Goldman cases. Your action in wiring the United States Attorney at Seattle is, of course, entirely approved by this Department.

Respectfully,

For the Attorney General,

(Signed) William C. Fitts  
Assistant Attorney General.

BEST COPY AVAILABLE

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## The Emma Goldman Papers

[Letter] 1917 July 23, Washington, D.C. [to] Harry Weinberger, New York / Calvert Magruder, Secretary [to Justice Brandeis] United States Supreme Court.— 1 p.; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Magruder acknowledges Weinberger's letter to Justice Brandeis.

**Notes:** Reply to 850625193.

Supreme Court of the United States,  
Washington, D.C.

Stoneleigh Court,

July 23, 1917.

Harry Weinberger, Esq.,

261 Broadway,

New York.

Dear Sir,

Justice Brandeis directs me to acknowledge the receipt of your letter of July 20th., together with the appeal bonds in the Goldman, Berkman, and Kramer cases, and the two pamphlets that you enclosed.

Very Truly Yours,

Calvert Magruder

Secretary.

# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman [et al.]: [Affidavit] 1917 July 24 [in re: bail]  
/ Harry Weinberger. — 3 p. ; 33 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger explains how he plans to supply Goldman and Berkman's bail.

Notes: Enclosed with 850806205 and 871109002.

Fol. 1

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

-----X

UNITED STATES OF AMERICA, :  
Plaintiff, :  
- against - :  
ALEXANDER BERKMAN and EMMA GOLDMAN, :  
Defendants. :

-----X

UNITED STATES OF AMERICA, :  
Plaintiff, :  
- against - :  
LOUIS KRAMER and MORRIS BECKER, :  
Defendants. :

" 2

-----X  
UNITED STATES OF AMERICA, :  
Plaintiff, :  
- against - :  
LOUIS KRAMER, :  
Defendant. :  
-----X

CITY & COUNTY OF NEW YORK: SS:

HARRY WEINBERGER, being duly sworn deposes

" 3

and says:

I am the attorney for the defendants in  
the above entitled actions.

That on the 19th day of July, 1917, at the  
City of Washington, Honorable Louis D. Brandeis, Associate  
Justice of the United States Supreme Court, for the  
Second Circuit granted a supersedeas in the above en-  
titled cases, directing that the defendants be admitted  
to bail as follows:

Emma Goldman and Alexander Berkman, \$25,000.00

# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman [et al.]: [Affidavit] 1917 July 24 [in re: bail] / Harry Weinberger. — 3 p. ; 33 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger explains how he plans to supply Goldman and Berkman's bail.

Notes: Enclosed with 850806205 and 871109002.

Fol. 4      each, Louis Kramer and Morris Becker, \$10,000.00 each, and Louis Kramer, \$2,000.00, and directed that the defendants furnish bail in these sums "conditioned according to law, subject to the approval of one of the Judges of the United States District Court for the Southern District of New York."

" 5      That Honorable Leonard Hand, one of the Judges of the United States District Court for the Southern District of New York, on the 20th day of July, 1917, directed that the Marshal proceed to Atlanta and Jefferson City respectively and produce said defendants forthwith, and that said defendants will be produced before this Court probably Thursday or Friday of this week, and it is the intention of the defendants to supply bail in each and every case.

" 6      Your deponent has informed the District Attorney as to the bail he would offer. That among other bail the defendants intend to offer 238-40 West 54th Street, and 221-23 West 53rd Street, which said property is worth \$250,000.00 and over, and upon which property is a first mortgage of \$140,000.00, held by the Dimes Savings Bank of Brooklyn. There are no other encumbrances on said property. That the Assistant United States District Attorney, <sup>Harold A</sup> Content, in charge of these cases, informed your deponent that he would take said property upon the assessed valuation of the land, but will refuse to take into consideration the value of the house upon said land on the ground that the same has not been assessed by the City, even though the said house was erected after the assessment.

That it is the intention of your deponent upon this motion, to submit an affidavit as to the cost



# The Emma Goldman Papers

United States [v.] Goldman [&] Berkman [et al.]: [Affidavit] 1917 July 24 [in re: bail]  
/ Harry Weinberger. — 3 p. ; 33 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger explains how he plans to supply Goldman and Berkman's bail.

Notes: Enclosed with 850806205 and 871109002.

Fol. 7

of the erection of the house, as to the income and lease  
of said house and in addition thereto, will submit an  
affidavit of appraisal by a well known appraiser.

That the purpose of this motion is to  
dispose of the question of bail before the defendants  
arrive with a Marshal in the City of New York.

That no previous application for this  
or similar relief has been made to this Court.

" 8

That under the order of Associate Justice  
Louis D. Brandeis, one of the Judges of the United  
States District Court for the Southern District of New  
York, must approve of the bond.

Wherefore, your deponent desires that this  
Court dispose of this question and require the District  
Attorney to show cause why it should not be approved.

Sworn to before me this

24th day of July, 1917.

*Berbert Cohen*

*Harry Weinberger*

RECEIVED JUL 25 1917  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
CLERK OF COURT  
JAMES H. HARRIS

# The Emma Goldman Papers

850806205

United States [v.] Goldman [&] Berkman [et al.]: [Order to Show Cause] 1917 July 24  
[in re: bail] / [Martin T.] Manton, J[udge] U[nited] S[tates] District Court. —  
2 p.; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Judge Manton notifies the government's attorney that Harry Weinberger will ask the court to  
accept Emil Seelig's property to cover Goldman and Berkman's bail.

Notes: Enclosed with 850806251 and 871109002.

[Jul. 24, 1917]

Fol. 1 UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK.

-----X  
UNITED STATES OF AMERICA,  
Plaintiff,  
- against -  
ALEXANDER BERKMAN and EMMA GOLDMAN,  
Defendants.

" 2

-----X  
UNITED STATES OF AMERICA,  
Plaintiff,  
- against -  
LOUIS KRAMER and MORRIS BECKER,  
Defendants.

-----X  
UNITED STATES OF AMERICA,  
Plaintiff,  
- against -  
LOUIS KRAMER,  
Defendant.

" 3

On reading the annexed affidavit of  
HARRY WEINBERGER, verified the 24th day of July, 1917,  
and upon other affidavits in reference to value of  
property and appraisal of property,

O R D E R E D, that the United States  
District Attorney for the Southern District of New York,  
show cause at a Term of this Court, to be held at the  
Post-Office Building, Room 235, in the Borough of Man-  
hattan, City of New York, on the 26th day of July,  
1917, at 10:30 o'clock in the forenoon or as soon there-  
after as counsel can be heard.

W H Y an order should not be made accept-  
ing Emil Seelig as bondsman for the sum of \$57,000.00

## The Emma Goldman Papers

850806205

United States [v.] Goldman [&] Berkman [et al.]: [Order to Show Cause] 1917 July 24  
[in re: bail] / [Martin T.] Manton, J[udge] U[nited] S[tates] District Court. —  
2 p. ; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Judge Manton notifies the government's attorney that Harry Weinberger will ask the court to  
accept Emil Seelig's property to cover Goldman and Berkman's bail.

Notes: Enclosed with 850806251 and 871109002.

Fol. 4

his equity in 238-40 West 54th Street and 221-23 West  
23rd Street being more than \$114,000.00, which he  
offers as bail in the above entitled cases, and for such  
other and further relief as may be just in the premises.

Service of a copy of this order and of the  
papers on which it is granted on the United States  
District Attorney for the Southern District of New  
York, on or before 2 o'clock, Thursday, July 26th, 1917,  
shall be sufficient.

Dated, New York, July 24th, 1917.

*M. Manton*

U.S.D.J.

" 5

The Emma Goldman Papers

United States [v.] Goldman [&] Berkman [et al.]: Affidavit and Order to Show Cause [1917 July 24 (cover page)] / Harry Weinberger. — 1 p. ; 22 × 19 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Notes: For enclosures, see 850806205 and 850806251.

NOTICE OF ENTRY

Sir :—

Please take notice that the within is a true copy of a \_\_\_\_\_ this day duly filed and entered in the office of the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

NOTICE OF SETTLEMENT.

Sir :—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice \_\_\_\_\_ at \_\_\_\_\_ of this Court at \_\_\_\_\_ in the Borough of \_\_\_\_\_ in the City of New York, on the \_\_\_\_\_ day of \_\_\_\_\_ 191 at \_\_\_\_\_ o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

CLERK'S INDEX NO. YEAR

U. S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES OF AMERICA,

Plaintiff

against

EMMA GOLDMAN, ALEXANDER BERKMAN LOHIS KRAMER and MORRIS BECKER,

Defendants.

COPY

AFFIDAVIT AND ORDER TO SHOW CAUSE.

**HARRY WEINBERGER**

ATTORNEY FOR Defendants,

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the within \_\_\_\_\_ is, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for \_\_\_\_\_



# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman, et al. — European Neutrality Matter, Chicago [19]17 July 24 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh reports that a postal worker is holding a telegram from Martha Gruning to Reilman, in which Gruning said she had seen Goldman in prison.

Notes: Broken type; light copy.

H. G. Clabaugh Chicago, Ill. July 24, 17 for July 24, 17

In re Emma Goldman, et al.  
European Neutrality Matter

At Chicago, Illinois.

One Russell of the Postal Telegraph Co. whose telephone number is Local 94, Bureau of Investigation, and whose hours are from 5:30 P.M. to 1:00 A.M. and whose residence phone is Douglas 6625, called up the office Saturday evening asking if this office knew the address of Dr. Benjamin L. Reitzman, stating that they were holding the following telegram for him dated St. Louis, Mo. July 21- 1917.

"Dr. Benjamin L. Reitzman, 29 S. La Salle St., Chicago, Illinois. Is bail only matter of one or two day's waiting? Otherwise go on. Saw Emma today. Seems well.

(Signed) Martha Gruning."

Chicago and New York offices.

BEST COPY AVAILABLE

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# The Emma Goldman Papers

[Letter, 1917 between July 25 and Nov. 14] New York [to unknown recipient] / Anna M. Sloan. — 1 p. ; 40 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Sloan urges her readers to lobby to prevent Berkman's extradition to California, on behalf of the New York Publicity Committee for Berkman's defense.

## FRIENDS, COMRADES, SYMPATHIZERS:

You all know Alexander Berkman. You have heard him speak in labor unions and on the public platform, or you have read his powerful book "Prison Memoirs of An Anarchist" or his articles in *THE BLAST* and *MOTHER EARTH*.<sup>\*</sup> You know that for more than twenty-five years Alexander Berkman has been connected with the labor and revolutionary movements of this country, and that he has suffered for his devotion to his ideal.

Now Alexander Berkman is in the Tombs prison. He has been convicted for anti-military agitation, and he is waiting to be released on bail pending his appeal. But the enemies of labor and liberty are not satisfied. The big business interests of San Francisco are thirsty for the blood of Alexander Berkman. They have indicted him for murder in connection with the Mooney cases now on trial. District Attorney Fickert and his assistants of San Francisco are not appeased with having framed-up Billings and Tom Mooney. They want more victims. As a San Francisco Editor wrote: "The indictment of Berkman was done by Fickert to influence the jury in the Rena Mooney case. Just a desperate grandstand play of a desperate man."

It is needless to say that Alexander Berkman is absolutely innocent of the San Francisco charges. But because he helped to expose the frame-up against Mooney, Billings, Nolan, Weinberg and Mrs. Mooney, the labor haters of San Francisco have sworn to "get Berkman" at any cost.

The sole purpose of the Mooney prosecution is to destroy organized labor in California and to terrorize the radical element. If they can "get" Berkman and railroad him to the gallows on a trumped-up charge, it will only be the first step to "get" other fighters for liberty and labor. By saving Berkman you save them all.

Perhaps you are not aware of the fact that it was Alexander Berkman who from the very first gave his entire time and energy to the defense of Mooney and the other labor victims of San Francisco. For the past year, he has gone up and down the country arousing interest, rallying labor forces, and raising money for their defense. The untiring zeal and devotion of Alexander Berkman to frustrate this dastardly frame-up is another reason why Fickert has dragged him into the net.

It is a most critical moment. Now is the time, once for all, to put a stop to the cold-blooded frame-up in San Francisco. If it is not done now, the system of legal assassination will soon spread all over the country. The immediate step to be taken is to prevent the extradition of Berkman to San Francisco. Once they get our comrade to the Coast, the legal murder will be assured.

We appeal to you, who read this, to do your share immediately, toward saving Alexander Berkman and the other victims of the labor-hating Chamber of Commerce. Bring this matter at once to the attention of your organization. Have resolutions passed condemning the contemplated outrage. Organize mass-meetings, write to your papers and demand that the blood-stained hands of Fickert be immediately taken off Alexander Berkman and the other four men and one woman—the victims of the labor war waged by the Chamber of Commerce of San Francisco. Working men, this is YOUR battle. Help at once.

Send funds for defense and communications to:

Anna M. Sloan, Sec'y-Treas.,  
226 Lafayette Street,  
New York City.

## THE NEW YORK PUBLICITY COMMITTEE

of the

## ALEXANDER BERKMAN SAN FRANCISCO LABOR DEFENSE.

### COMMITTEE:

Alex Cohen, Sec'y-Treas. Joint Board Amalgamated Clothing Workers of America.

M. Feinstone, of United Hebrew Trades.

J. Abrams, Organizer, International Brotherhood of Bookbinders.

Frank Cancelleri, Italian Representative of Children's Clothing Joint Board.

Leonard D. Abbott

Emma Goldman

M. F. Fitzgerald, Associate Editor of *THE BLAST*.

Jessie Ashley

Dr. A. L. Goldwater

Randall Davey

Ida Rauh

Katherine Leckie

Robert Henri

George Bellows

Anna Stirling

Helen Boardman

<sup>\*</sup>For sale by *MOTHER EARTH*, Room 204, 226 Lafayette Street, New York City.



# The Emma Goldman Papers

[Letter] 1917 July 25 [Washington, D.C. to] Richard Chicy, Norfolk, Va. / William C. Fitts, Assistant Attorney General [Department of Justice]. — 1 p. ; 36 × 22 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 60.  
 Summary: Fitts acknowledges receipt of Richard Chicy's letter requesting prosecution of an anti-war poet.  
 Notes: Lower document only. Reply to 810113009.

COPY

from  
 THE NATIONAL ARCHIVES  
 Record Group No. 60

Records of the Department of Justice  
 Central File Number 186233-13 (Section 1)

186233-13-77

MI

7-21-17 7-23-17 S

Richard Chicy,  
 Norfolk, Va

Wants author of poem quoted arrested.

Fitts-Herron

WOH-GEA

WOF-

186233-13-77

July 25, 1917.

Mr. Richard Chicy,  
 P. O. Box 670,  
 Norfolk, Va.

Sir:

I beg to acknowledge your letter of the 21st instant, relative to the action of persons opposed to the war. The matter is receiving careful attention of this Department.

Respectfully,

For the Attorney General,

(Signed) William C. Fitts

Assistant Attorney General.

# The Emma Goldman Papers

[Letter] 1917 July 25, New York [to Thomas G. Patten] Postmaster [Post Office Department], New York / Ben Reitman. — 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** As manager of *Mother Earth*, Reitman urges the Postal Service to allow him to mail the July 1917 issue.

**Notes:** Enclosed with 810128112.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

## MOTHER EARTH

Monthly Magazine  
of  
Anarchist Thought

10c. a Copy  
\$1.00 per Year

HEADQUARTERS FOR ANARCHIST LITERATURE

TEL. 6184 HARLEM

## MOTHER EARTH PUBLISHING ASSOCIATION

~~20 EAST 125TH STREET~~  
NEW YORK

226 Lafayette St.  
Room 204

July 25, 1917

Postmaster, New York City

Dear Sir:-

We are in receipt of a card from the Supt. of newspapers and periodicals informing us that the July issue of *MOTHER EARTH* magazine has been held up pending a decision from Washington.

We are very much surprised as we went over *MOTHER EARTH* very carefully, tried conscientiously to make the magazine comply with all of the regulations of the Post Office department.

For the last twelve years *MOTHER EARTH* has enjoyed second-class mailing privileges and we are most anxious to continue our privileges if at all possible. And as manager of the magazine, I can assure you that we will attempt to edit the magazine in a manner which will comply with your regulations. We hope to enjoy the full privileges of free press as guaranteed by the Constitution of the United States. If you have any suggestions that would aid us in complying with the United States Post Office regulations, we would be very glad to have them.

As you can well imagine holding up our magazine causes us a great deal of expense and if you can see your way clear to urge Washington to render an immediate decision (which we hope will be favorable) you will place us in your debt.

Thanking you for the many courtesies which the various members of the Post Office department has shown us in the past twelve years and hoping that we can go back our former relations, I am

Sincerely yours,

Ben. L. Reitman  
Manager

(33)

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# The Emma Goldman Papers

810128112

[Letter] 1917 July 26, New York [to William H. Lamar] Solicitor, Post Office Department, [Washington, D.C.] / T[homas] G. Patten, Postmaster, Post Office [Department].  
— 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** The New York postmaster forwards Reitman's letter asking for an early decision on the mailability of *Mother Earth* for July 1917.

**Notes:** Handwritten postscript by Post Office official that *Mother Earth* is nonmailable. For enclosure, see 810128157.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

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OFFICE OF THE POSTMASTER

United States Post Office  
NEW YORK, N. Y.



1 Enc.

July 26, 1917

Solicitor,

Post Office Department.

In connection with the letter of this office of the 23rd instant, submitting a copy of the July 1917 issue of "*Mother Earth*", I enclose for the consideration of the Department a letter from Dr. Ben. L. Reitman, Manager, asking that an immediate decision upon the question be given.

*T. G. Patten*  
Postmaster

M-jj

*Mother Earth*  
*non-mailable*  
*July 28*

597

850806206

# The Emma Goldman Papers

Annual Record of Assessed Valuation of Real Estate, Borough of..., New York,  
1917 July 26 / C. Rorkland Tyng? Secretary, Department of Taxes and Assessments. —  
2 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: The New York Department of Taxes and Assessments lists the value of property in Manhattan  
offered to pay Goldman and Berkman's bail.

Notes: Two shots of one page. For related documents, see 850806205, 850806207, and 850806251.

2930-16 (Bt) 1000

Section \_\_\_\_\_ Ward \_\_\_\_\_

Volume \_\_\_\_\_

Block \_\_\_\_\_

Plot \_\_\_\_\_

Map \_\_\_\_\_

Page \_\_\_\_\_

## Annual Record of Assessed Valuation of Real Estate

Between *111 Morris & N. S.* Avenue

### DESCRIPTION OF PROPERTY

#### OWNER OR OCCUPANT

#### Size of Lot

#### Size of House

*N. Morris & Co*

*25' x 78*

*25' x 58*

*OK 2/1/18*

CITY

DE

TAXES AN

BOROU

MUN

## References

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

**Summary:** The New York Department of Taxes and Assessments lists the value of property in Manhattan offered to pay Goldman and Berkman's bail.

Notes: Two shots of one page. For related documents, see 850806205, 850806207, and 850806251.

PAGE

es. Between 121 & 122 Streets.

[illegible]

OF NEW YORK  
DEPARTMENT OF  
ASSESSMENTS  
CITY OF MANHATTAN  
MAYOR'S OFFICE

I hereby certify that this is a true copy of the record of the assessed valuation of the property above named for the year 1917.

Dated, New York, July 26<sup>th</sup> 1917

Secretary

# 599

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

**Summary:** The New York City Department of Taxes and Assessments lists the value of property in Manhattan offered to pay Goldman and Berkman's bail.

**Notes:** Two shots of one page. For related documents, see 850806205, 850806206, and 850806251.

Section \_\_\_\_\_ Ward \_\_\_\_\_

Volume \_\_\_\_\_

**lock** \_\_\_\_\_

**lot** \_\_\_\_\_

ap\_\_\_\_\_

Page \_\_\_\_\_

# Annual Record of Assessed Valuation of Real Estate, 1910

Between 5<sup>th</sup> & 9<sup>th</sup> Avenues.

OK E. J. radon

CITY OF NEW YORK  
DEPARTMENT OF  
TAXES AND ASSESSMENT  
BOROUGH OF MANHATTAN  
MUNICIPAL BUILDING

CITY OF NEW YORK

DEPARTMENT

TAXES AND AS

**BOROUGH OF M**

MUNICIPAL BU



**Summary:** The New York City Department of Taxes and Assessments lists the value of property in Manhattan offered to pay Goldman and Berkman's bail.

Notes: Two shots of one page. For related documents, see 850806205, 850806206, and 850806251.

PAGE 4

e, Borough of Manhattan, The City of New York, 1917  
s. Between 118 & 119 Streets.

NEW YORK  
DEPARTMENT OF  
ASSESSMENTS  
OF MANHATTAN  
CITY BUILDING

Dated, New York, July 26<sup>th</sup> 1917.

*Charles L. Lyng*  
Secretary.

# 601

# The Emma Goldman Papers

[Memorandum] 1917 July 27 [Washington, D.C. to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, [Washington, D.C.] / Office of the Counselor, Department of State. — 1 p.; 25 x 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Someone in the counselor's office sends Bielaski copies of Secret Service reports, including one on Goldman.

✓  
15446  
DEPARTMENT OF STATE

OFFICE OF THE COUNSELOR

July 27, 1917.

Transmitting:

Copies of Secret Service reports as follows:

For July 13, 1917:

Re: J. McKee Cattell.

For July 20, 1917:

Jon. Cohen and One Lennox.

Walter R. Heyman

Albert Wassmer.

For July 21, 1917:

Herman Kramer, et al.

Socialists (Goldman, Berkman & Eastman)

Kindly return at your convenience.

Respectfully referred to:

A. Bruce Bielaski, Esquire,  
Chief, Bureau of Investigation,  
Department of Justice.

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# The Emma Goldman Papers

Daily Report of Agent, Secret Service, Baltimore District, 1917 July 28 / Charles E. Wright, Operative in Charge, Secret Service, Treasury Department. — 2 p. ; 24 x 20 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 87.  
 Summary: Wright lists Goldman with other women's suffrage activists.  
 Notes: Dark copy; portions illegible.

U.S. DEPARTMENT OF THE TREASURY  
 SECRET SERVICE  
 BALTIMORE, M.D.

DAILY REPORT OF AGENT,

OFFICE OF CHIEF  
 RECEIVED  
 JUL 30 1917

U.S. DIVISION  
 Chief,

United States Secret Service,

Baltimore, Md. District.

United States Secret Service,  
 Treasury Department.

TO:

I have the honor to submit the following, my report as  
 Operative of this District, for ~~Franklin~~  
 the day of July 1917, written at Baltimore, Md.

and completed at 9, o'clock A.M. on the 28th day  
 July, 1917

Baltimore, Md.

Called office at 9:00 A.M., completed my report for the previous  
 day called at office of Mr. Joseph R. Wilson, who handed me the  
 names of the alleged woman suspects connected with the Women's  
 Suffragists at Washington:— Steynham, National Woman's Trades  
 Union; Mrs. Otto Witpad, N.Y. City and Emma Goldman, was a member  
 previous to her jail sentence, which I forwarded to the Chief  
 in my previous report. I was engaged in office and about the  
 until 5 P.M., when I left for the day.

Following are my charges for services rendered and expenses  
 incurred this day:

Transportation: - - - - - \$0.00

BEST COPY AVAILABLE

603

The Emma Goldman Papers

Daily Report of Agent, Secret Service, Baltimore District, 1917 July 28 / Cha[rle]s E. Wright, Operative in Charge, Secret Service, Treasury Department. — 2 p. ; 24 × 20 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 87.  
Summary: Wright lists Goldman with other women's suffrage activists.  
Notes: Dark copy; portions illegible.

761

(2)

Expense: ----- \$0.00  
Rentals: ----- 0.00  
Fees: ----- 7.00

Respectfully Submitted,  
*Charles E. Wright*  
Operative in charge.

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# The Emma Goldman Papers

[Letter] 1917 July 28, New York [to unknown recipient] / M. E[leanor] Fitzgerald. —  
1 p. ; 25 x 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Fitzgerald asks the readers of *The Blast* for money to pay for Goldman and Berkman's Supreme Court appeal.

Notes: For enclosures, see 880603109, 880603112, and 880603113.

ALEXANDER BERKMAN, Editor  
PHONE HARLEM 6262



226 Lafayette St. Room 204  
EAST 125TH STREET

SUBSCRIPTION \$1.00 A YEAR

RECEIVED  
AUG 8 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

15446

July 28, 1917.

Dear Friends:-

NEW YORK

Alexander Berkman and Emma Goldman were arrested and railroaded to prison for expressing anti-war ideas, but they still have a chance to win if you help us now. A tremendous battle saved Rena Mooney and we have an equal chance to save our valuable workers from prison.

A Writ of Error has been signed by Judge Brandeis in Washington which allows our prisoners to get out on bail pending the appeal. We expect them to be brought back to the Tombs tomorrow and then arrangements will be made for bail. It is possible that Alexander Berkman will not be permitted to come out of jail on account of the San Francisco indictment that has been brought against him since he was sent to Atlanta, Ga. We know how desperate these bandits are in San Francisco and we realize the danger that Berkman is in. We must fight and fight hard against framing him up as they did Mooney and Billings.

Money is needed immediately for getting out the minutes and records of the trial for the appeal of the anti-war case. This alone will cost Two Thousand Dollars. The small bank accounts of Alexander Berkman and Emma Goldman were confiscated by the Government toward the paying of the Twenty Thousand Dollar fine. We also had to find new quarters for our work.

We are getting out a pamphlet giving the full account of the trial and the closing speeches of Alexander Berkman and Emma Goldman to the jury. Will you help at this time? I know that many demands have been made upon you -- but this is your fight as well as ours. Now is the time to show who are really strong and dependable in the cause of Liberty. Do not think because our comrades may come out on bail that they are safe. Unless we can wage a tremendous campaign of publicity with ample financial support, they will be sent back to prison to complete their prison sentences.

We want THE BLAST to live. The July issue will appear within a few days. In these dark days of reaction, its outspoken and fearless voice is of vital need. It is YOUR voice. It proclaims YOUR protest, YOUR hopes and ideal to thousands. But it depends on YOU whether we can have another issue. At any rate, we want to hear from you and to know that you care for THE BLAST and that you want it to live. And above all, we want contributions for Alexander Berkman and Emma Goldman's defense as well as the scores of other conscientious objectors to war who have been imprisoned because of their opposition to militarism. But the propaganda is going on and "America will be made safe for Democracy".

Fraternally,

M. E. Fitzgerald

P. S. Make all checks and Money Orders payable to M. E. Fitzgerald.

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## The Emma Goldman Papers

[Letter] 1917 July 30 [Washington, D.C. to Thomas G. Patten] Postmaster [Post Office Department], New York / W[illiam] H. Lamar, Solicitor [Post Office Department].  
— 1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Lamar advises Patten that the July 1917 issue of *Mother Earth* is unmailable under the Espionage Act.

**Notes:** Reply to 810128011 and 810128112.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

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WHL-46647-5

July 30, 1917.

Postmaster,  
New York, New York.

Referring to yours of the 26th instant, relative to "Mother Earth" for July, submitted with your letter of the 23d instant, you are advised that this issue is nonmailable under the Act of June 15, 1917, (Espionage Law).

(Signed) W. H. LAMAR

Solicitor.

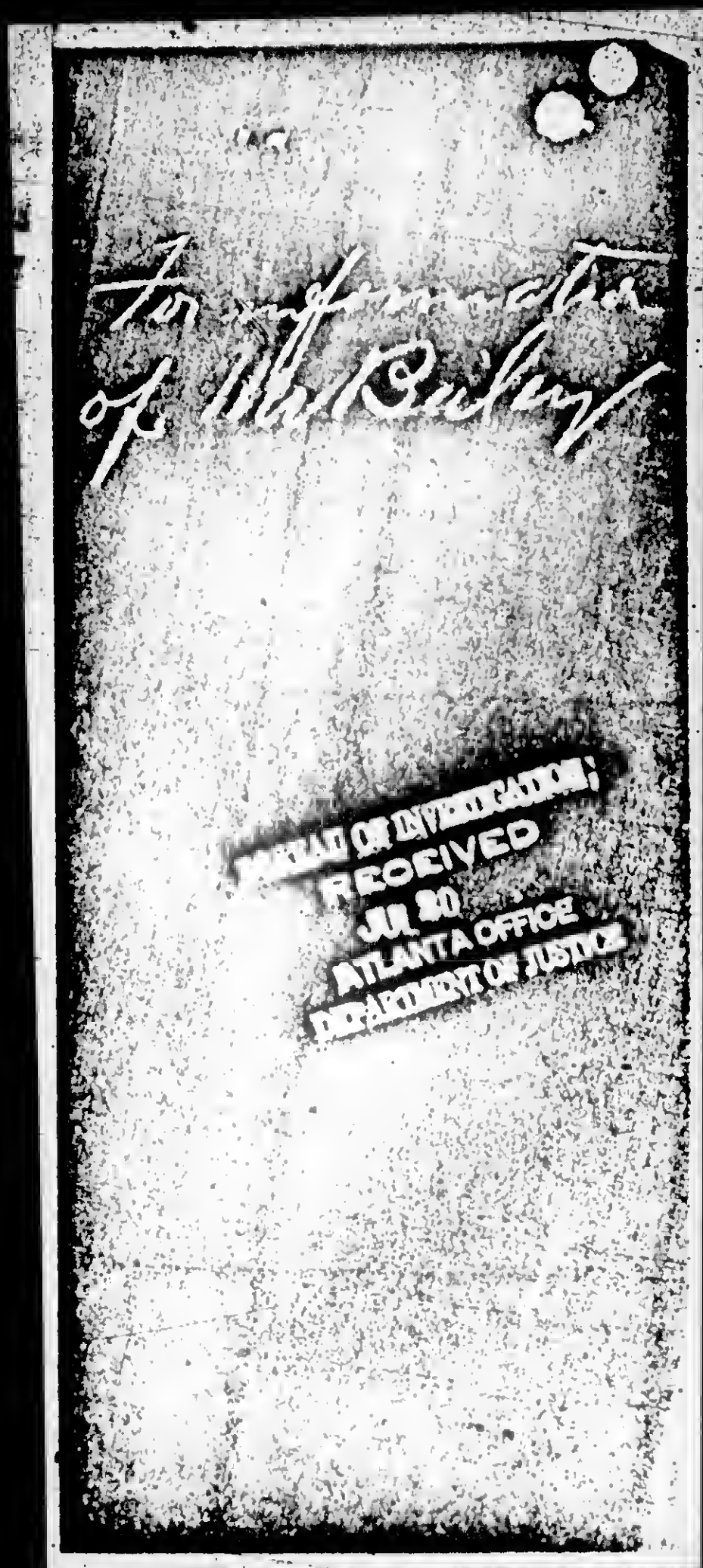
## The Emma Goldman Papers

[Memorandum, 1917 July 30? to Lewis J.] Baley [Agent in Charge? Bureau of Investigation, Department of Justice, Atlanta, Ga.] / [Bureau of Investigation? Department of Justice?]. — 1 p. ; 21 × 9 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** The Bureau of Investigation sends Agent Baley copies of telegrams sent to Berkman in prison.

**Notes:** For enclosures, see 870213000, 870217000, and 870217003.



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# The Emma Goldman Papers

[Letter] 1917 July 30 [Washington, D.C. to] William M. Offley [Division Superintendent, Bureau of Investigation, Department of Justice], New York / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 24 x 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Bielaski sends Offley copies of telegrams sent to Berkman in prison.

**Notes:** Dark copy; barely legible. For enclosures, see 870217000 and 870217003. For related documents, see 810930027 and 880603087.

July 30, 1917.

William M. Offley, Esq.,

Post Office Box 311,

New York, N. Y.

Dear Sir:

For your general information and files  
I am enclosing you photostat copies of two tele-  
grams addressed to Alexander Berkman, Federal  
Prison, Atlanta, Georgia, with signatures "Sam"  
and "Max Toback," respectively.

Agents Samson and Brennan have been  
advised to make such investigation of the senders  
as may be possible.

Very truly yours,

Chief.

(Enclosure)

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# The Emma Goldman Papers

[Letter] 1917 July 30 [Washington, D.C. to] E.C. Samson [Agent in Charge? Bureau of Investigation, Department of Justice], Denver, Colo. / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 24 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski asks Samson to investigate Max Tobin, who wrote to Berkman in prison.

Notes: Dark copy; barely legible. For enclosure, see 870217000.

A0J-12

July 30, 1917.

E. C. Samson, Esq.,

Post Office Box 1461,

Denver, Colorado.

Dear Sir:

I am enclosing you photostat copy of telegram from Max Toback, dated Denver, Colorado, July 14, 1917, and addressed to Alexander Berkman, confined in the Atlanta Federal Penitentiary.

Please investigate the citizenship, loyalty and present activities of Max Toback. The Ben referred to is evidently Ben Goldman. The Ben referred to may be Ben Cohen.

Very truly yours,

Chief.

(Enclosure)

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609

# The Emma Goldman Papers

[Letter] 1917 July 30 [Washington, D.C. to] E[dward] J. Brennan [Agent in Charge, Bureau of Investigation, Department of Justice], St. Louis, Mo. / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 24 × 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Bielaski asks Brennan to investigate a man named Ben, who wrote to Berkman from Jefferson City.

**Notes:** Light copy; barely legible. For enclosure, see 870217003. For reply, see 880603096.

ACJ-LF

July 30, 1917.

E. J. Brennan, Esq.,

Post Office Box 405,

St. Louis, Missouri.

Dear Sir:

I am enclosing you photostat copy of a telegram addressed to Alexander Berkman, Federal Prison, Atlanta, Georgia, from Jefferson City, Missouri, signed, "Ben."

Please make such investigation of the sender as may be possible.

Division Superintendent O'Flery has been also advised.

Very truly yours,

Chief.

(Enclosure)

BEST COPY AVAILABLE

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# The Emma Goldman Papers

[Letter] 1917 July 31, Chicago [to William H. Lamar] Solicitor, Post Office Department, Washington, D.C. / W.B. Carlile, Postmaster [Post Office Department]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** The Chicago postmaster asks Lamar to answer his earlier letter asking whether the *Mother Earth* June issue is mailable.

**Notes:** For reply, see 810128137. Follow up letter to 810128127.

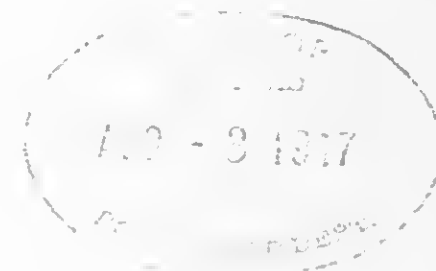
Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

*H.H.G.*  
MAILING DIVISION

United States Post Office  
CHICAGO, ILLINOIS  
OFFICE OF SUPERINTENDENT OF MAILS

46647  
IN YOUR REPLY PLEASE REFER TO  
DATE, INITIAL AND NUMBER  
H: C



July 31, 1917.

The Solicitor,  
Post Office Department,  
Washington, D.C.

Under date of June 21, this office wrote you requesting to be advised if the package containing copies of "Mother Earth," like the specimen submitted therewith, should be forwarded to destination. This matter is still being detained pending the receipt of your opinion. A copy of same is also enclosed herewith. A reply as soon as practicable would therefore be appreciated.

*W.B. Carlile*  
Postmaster.

Encl

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## The Emma Goldman Papers

They Want to Hang Alexander Berkman! [leaflet] / United Hebrew Trades. — [Aug.? 1917]. — 3 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** The United Hebrew Trades urges labor organizations to send money and support to prevent Berkman's extradition to San Francisco.

**Notes:** Three shots of two pages. Enclosed with 810128114, 870217007, 870217008, 870313000, and 870313001.

# THEY WANT TO HANG ALEXANDER BERKMAN!

Alexander Berkman is now in the Tombs prison of New York. But even in that bastille, guarded by stone walls and iron bars, he is in constant danger of his life.

The labor haters and moneybags of San Francisco have sworn not to rest till they get Berkman to the Pacific Coast and put the noose around his neck till he is dead.

District Attorney Fickert of San Francisco, and his gang of assistants have therefore had Berkman indicted on the charge of murder in connection with the Preparedness day catastrophe.

Alexander Berkman was the first to raise his voice in the East against the official murderers and robbers in the West. That is why they are burning with revenge against him; that is why they seek to satisfy their mad thirst with his blood.

But the workers of the East, and especially those of New York, must not permit this judicial assassination to take place. Alexander Berkman is as absolutely innocent of the San Francisco crime as are Tom Mooney, Mrs. Mooney, Billings, Nolan and Israel Weinberg. His innocent blood will be upon our heads if we should permit him to be delivered into the hands of the murderous District Attorney in San Francisco.

Berkman must be saved, not only for his own sake, but equally so for the sake of the other five labor leaders whose lives are threatened. The District Attorney now wants to begin with the "dangerous" Berkman, and then it will be easier to strangle all the others.

The United Hebrew Trades hereby urges upon all its affiliated bodies and friendly organizations to take immediate steps in this important matter. According to the law, a State has no right to extradite a Federal prisoner, and therefore the authorities of the State of New York may not do so legally. But should they succeed in getting Berkman out of New York, his life will be in the greatest danger. Indeed, it will mean sure death.

True, the condition of the workers is now most miserable because of the terrible war situation. But that must not serve as an excuse for inactivity. All our energies must be exerted to save Alexander Berkman from a shameful death.

Every labor organization should at once bring this matter up before its body. They should pass resolutions and forward them, when the proper time comes, to the Governor of New York State. Funds are also immediately needed to fight the case of Alexander Berkman. Able and influential legal talent must be secured, and nothing left undone to save his life.

The United Hebrew Trades was the first labor body before which Alexander Berkman appeared to plead for aid in behalf of the labor martyrs in San Francisco. Here in our organization he was the first to raise his voice against the San Francisco frame-up, and this organization is determined to bend every effort and use all its influence to prevent the strangling of this voice by the hangman's rope.

Alexander Berkman must live, will live, if the workers will aid and protect him.

These days when American citizens are dragged from their homes and driven like dogs into the streets for the sole crime of striking for more bread; when murderous vigilantes in Butte drag Frank Little, the leader of the



# The Emma Goldman Papers

They Want to Hang Alexander Berkman! [leaflet] / United Hebrew Trades. — [Aug.? 1917]. — 3 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** The United Hebrew Trades urges labor organizations to send money and support to prevent Berkman's extradition to San Francisco.

**Notes:** Three shots of two pages. Enclosed with 810128114, 870217007, 870217008, 870313000, and 870313001.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

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## THEY WANT TO HANG ALEXANDER BERKMAN!

Alexander Berkman is now in the Tombs prison of New York. But even in that bastille, guarded by stone walls and iron bars, he is in-constant danger of his life.

The labor haters and moneybags of San Francisco have sworn not to rest till they get Berkman to the Pacific Coast and put the noose around his neck till he is dead.

District Attorney Fickert of San Francisco, and his gang of assistants have therefore had Berkman indicted on the charge of murder in connection with the Preparedness day catastrophe.

Alexander Berkman was the first to raise his voice in the East against the official murderers and robbers in the West. That is why they are burning with revenge against him; that is why they seek to satisfy their mad thirst with his blood.

But the workers of the East, and especially those of New York, must not permit this judicial assassination to take place. Alexander Berkman is as absolutely innocent of the San Francisco crime as are Tom Mooney, Mrs. Mooney, Billings, Nolan and Israel Weinberg. His innocent blood will be upon our heads if we should permit him to be delivered into the hands of the murderous District Attorney in San Francisco.

Berkman must be saved, not only for his own sake, but equally so for the sake of the other five labor leaders whose lives are threatened. The District Attorney now wants to begin with the "dangerous" Berkman, and then it will be easier to strangle all the others.

The United Hebrew Trades hereby urges upon all its affiliated bodies and friendly organizations to take immediate steps in this important matter. According to the law, a State has no right to extradite a Federal prisoner, and therefore the authorities of the State of New York may not do so legally. But should they succeed in getting Berkman out of New York, his life will be in the greatest danger. Indeed, it will mean sure death.

True, the condition of the workers is now most miserable because of the terrible war situation. But that must not serve as an excuse for inactivity. All our energies must be exerted to save Alexander Berkman from a shameful death.

Every labor organization should at once bring this matter up before its body. They should pass resolutions and forward them, when the proper time comes, to the Governor of New York State. Funds are also immediately needed to fight the case of Alexander Berkman. Able and influential legal talent must be secured, and nothing left undone to save his life.

The United Hebrew Trades was the first labor body before which Alexander Berkman appeared to plead for aid in behalf of the labor martyrs in San Francisco. Here in our organization he was the first to raise his voice against the San Francisco frame-up, and this organization is determined to bend every effort and use all its influence to prevent the strangling of this voice by the hangman's rope.

Alexander Berkman must live, will live, if the workers will aid and protect him.

These days when American citizens are dragged from their homes and driven like dogs into the streets for the sole crime of striking for more bread; when murderous vigilantes in Butte drag Frank Little, the leader of the

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# The Emma Goldman Papers

They Want to Hang Alexander Berkman! [leaflet] / United Hebrew Trades. — [Aug.? 1917]. — 3 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

**Summary:** The United Hebrew Trades urges labor organizations to send money and support to prevent Berkman's extradition to San Francisco.

**Notes:** Three shots of two pages. Enclosed with 810128114, 870217007, 870217008, 870313000, and 870313001.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

copper mine strikers, out of his bed in the dead of night and lynch him; when the liberty and lives of those who dare speak of fair play and justice is menaced hourly, in these days of madness one can readily imagine how little Berkman's life will be worth if they should take him to San Francisco.

Berkman must not leave the State of New York. The workers must not permit it. No sooner would he leave New York than he would be given over into the hands of death.

Save Alexander Berkman. Do not let him hang!

With brotherly greetings,

THE UNITED HEBREW TRADES.  
Max Pine, Sec'y-Treas.

Send funds for defense and communications to:

ANNA M. SLOAN, Sec'y-Treas.,

226 Lafayette Street, Room 204, New York City.

THE NEW YORK PUBLICITY COMMITTEE  
of the

ALEXANDER BERKMAN  
SAN FRANCISCO LABOR DEFENSE

(Alexander Berkman indicted in connection  
with the Mooney case.)

## NEW YORK PUBLICITY COMMITTEE:

Alex. Cohen, Sec'y-Treas. New York Joint Board Amalgamated Clothing Workers of America

J. Abrams, Organizer, International Brotherhood of Bookbinders

Frank Cancelleri, Italian Representative of Children's Clothing Joint Board

Max Pine, Sec'y-Treas. United Hebrew Trades

The Joint Board of Cloak & Skirt Makers Union of New York—Will back the fight to the limit and started the fund with \$500.

M. Feinstone, Asst. Sec'y of The United Hebrew Trades

Martha Gruening, Writer

Edna Kenton, Writer

Max Eastman, Editor Masses

Dr I. Ginsberg

Boardman Robinson, Artist

Rosa Maria Spanier, Sec'y Workmen's Council

Leonard D. Abbott, Writer and Editor

Helen Boardman, Psychological Research Worker

Dr. A. L. Goldwater

Randall Davey

Jessie Ashley, Attorney

Ida Rauh

Emma Goldman, Author and Lecturer

Katherine Leckie

M. Eleanor Fitzgerald, Associate Worker of THE BLAST

Robert Henri

H. M. Kelly, Writer

George Bellows

Waldo Frank, of Seven Arts Magazine

Anna Stirling

Henrietta Rodman, Teacher

Margaret H. Sanger, Lecturer and Author

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# The Emma Goldman Papers

T[h]ou Shalt Not Kill [leaflet] / Anarchist Groups of America. — [Aug. 1917]. — 1 p. ; 21 × 13 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Anarchist Groups of America exhort the working class to resist the draft.

Notes: Enclosed with 880603093 and 880603095.

## TOU SHALT NOT KILL

Workingmen of America the draft has become a reality. Within the next few weeks, the flower of American manhood will be taken from their homes and shipped to almost certain death in Europe.

The Draft Law is illegal and violates the 13th Amendment of the U. S. Constitution. If you must fight, stay here and fight for Democracy in America.

Patriotism is the last resort of a scoundrel. Our American scoundrels, in the guise of Patriotism are trying to enslave you and take away every vestige of Democracy in this country. Workingmen, this is a Capitalists War, let the Capitalists do their own fighting.

Refuse to go, if called. Resist the Draft.

Organize to fight for Democracy in America.

Published by the Anarchist Groups of America

Printed by Underground Press. N. 39 - 100,000 copies

Copy and give your fellow-worker.

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# The Emma Goldman Papers

You Cannot Break Our Movement! [leaflet] / [Anarchist Groups of America?]. — [Aug.? 1917]. — 1 p. ; 16 × 13 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Anarchist Groups of America's leaflet hails the coming revolution.

Notes: Enclosed with 880603093 and 880603094.

## You Cannot Break Our Movement!

You may persecute, you may oppress, you may imprison—you cannot succeed. Our propaganda will go on in spite of all.

We are enlisted in the cause of freedom and individual liberty, and we have dedicated our all to this great cause.

Think you, that you can crush this cause? You do not know its strength, its appeal to the fundamental instincts of humanity.

Our movement is built upon an idea, and the movement will go on because the idea is unconquerable.

Send our young men abroad to kill and be killed. Make the world a bloody shambles. Crash what little there is of democracy at home. Fill your jails. Do your worst.

But remember, the day of reckoning will come.

An outraged people will rise in its power and majesty, and make you pay for the blood and agony that you are now creating.

Our movement springs out of the inarticulate, unexpressed aspirations of our people. And to crush a people is impossible. You may drag them for a while, you may keep them in temporary bondage, — but not forever.

The INQUISITION WAS OVERTROWN: The French Revolution made its reckoning. The Russian Revolution crushed the bloodiest tyranny of modern times.

And so it goes. Your day is coming. And we shall do all in our power to hasten its coming!

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# The Emma Goldman Papers

[Anarchist Literature Price List, 1917 Aug.?] / Mother Earth Publishing Association. — 1 p. ; 14 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: The Mother Earth Publishing Association lists prices of the anarchist literature it sells.

Notes: One shot of two pages. Enclosed with 810128114, 870217006 through 870217009, and 870313001.

	Postage
Prison Memoirs of an Anarchist, By ALEXANDER BERKMAN.....	\$1.25 .15
Selected Works, Biography, Poems, Es- says, and Stories, By VOLTAIRINE DE CLEYRE.....	1.00 .15
God and the State.....	bound .75
By MICHAEL BAKUNIN.....	paper .50
News from Nowhere, By WILLIAM MORRIS.....	.60 .10
Anarchism—An able and Impartial Study, By PAUL ELTZBACHER.....	1.50 .15
The Egg and His Own, By MAX STIRNER.....	.75 .15
Speeches of the Chicago Anarchists.....	.30
a Bomb, By FRANK HARRIS.....	.75 .15
The Poet in the Desert, By C. E. S. WOOD.....	1.00 .15
Liberty and the Great Libertarians By CHARLES T. SPRADING.....	1.00 .15
<b>BIRTH CONTROL LITERATURE</b>	
Limitation of Offspring, By DR. WM. G. ROBINSON.....	1.00 .15
The Small Family System, By DR. C. V. DRYSDALE.....	1.00 .15
The Sexual Life of the Child, By A. MOLL.....	1.75 .15
The Sexual Life of Woman, By E. H. KISCH.....	1.50 .15
Spring's Awakening.....	bound 1.00 .15
By FRANK WEDEKIND.....	paper .50 .05
What Every Girl Should Know What Every Mother Should Know By MARGARET SANGER.....	each .25

## ANARCHIST LITERATURE

For Sale at

Mother Earth Publishing Association

20 E. 125th Street, New York City

Phone Harlem 6194

### BY EMMA GOLDMAN

	Postage
Anarchism and Other Essays (with Bi- ography and Portrait.....)	\$1.00 .15
Social Significance of the Modern Drama	1.00 .15
Anarchism and What It Really Stands For	.10
Syndicalism .....	.05
Marriage and Love.....	.10
The Philosophy of Atheism and Failure of Christianity .....	.10
Preparedness, The Road to Universal Slaughter .....	.05
Mother Earth Magazine, Anarchist Monthly.	.10
Per Year .....	1.00
Bound Volumes .....	2.00 .15

### By PETER KROPOTKIN

Memoirs of a Revolutionist.....	2.00 .20
The Great French Revolution.....	1.75 .20
Ideals and Realities in Russian Literature	1.50 .15
Appeal to the Young.....	.25

# The Emma Goldman Papers

[Contribution Form, for Goldman-Berkman Defense Fund, 1917 Aug.?] / Mother Earth Publishing Ass[ociatio]n. — 1 p.; 8 × 14 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** The Mother Earth Publishing Association solicits contributions to the Goldman-Berkman Defense Fund by this donation form.

**Notes:** Enclosed under cover letter 810128113, with 870217005 and 870313002. Enclosed under cover letter 810128114, with 870217006 through 870217009, and 870313000.


.....1917

*Mother Earth Publishing Ass'n*  
*226 Lafayette Street,*  
*New York City, N. Y.*

Enclosed find \$.....as a contribution to the Emma Goldman-  
 Alexander Berkman Defense Fund.

Name.....

Address.....

.....

No names are published unless requested. Make checks and money orders payable to M. E. P. Agency.

# The Emma Goldman Papers

[Letter] 1917 Aug. 1, New York [to unknown recipient] / Emma Goldman.—  
1 p.; 26 x 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Goldman asks for money for *Mother Earth* and to finance her and Berkman's Supreme Court appeal.

Notes: Enclosed under cover letter 810128113, with 870313001, 870313002, and 870217005. Enclosed under cover letter 810128114, with 870217007 through 870217009, 870313000, and 870813001.

VER EARTH

Magazine  
of  
Thought  
A Copy  
\$6 per Year

HEADQUARTERS FOR A LITERATURE

## MOTHER EARTH PUBLISHING ASSOCIATION

Room 204

228 LAFAYETTE STREET  
NEW YORK

Aug. 1st. 1917

Dear Friends:-

### ANARCHISM

The philosophy of a new social order based on liberty unrestricted by man-made law; the theory that all forms of government rest on violence, and are therefore wrong and harmful, as well as unnecessary.

In the cyclorama of the American struggle for liberty *Mother Earth* has been fated to play an important part. Ever since the first edition, March, 1906, our magazine has strived faithfully to be a voice crying out against tyranny, injustice and oppression, wherever it has existed. Every issue has been an anti-military number. Now *Mother Earth* is in danger of dying, and I sincerely appeal to you to help me maintain our magazine.

You know the story of what the authorities have done in New York — how they suppressed the June issue of *Mother Earth*; how they raided our offices; confiscated our literature; arrested Alexander Berkman and myself; how after a farcical trial they gave us the extreme penalty, two years penal servitude, \$10,000 fine each, and deportation. The complete story is told in the July issue of *Mother Earth* which has been sent to you.

After two weeks' incarceration in the Jefferson City, Mo. penitentiary, I was brought back to New York City and admitted to \$25,000 cash bail, pending an appeal to the Supreme Court.

Alexander Berkman, Morris Becker and Louis Kramer were also returned to New York pending the appeal. Berkman's case is further complicated by the fact that the Chamber of Commerce of San Francisco, through their henchman, the District Attorney, in order to screen their criminal tactics, furious over their failure to put over the frame-up against Rena Mooney, are now attempting to railroad Alexander Berkman. They have issued a warrant for his arrest and will attempt to extradite him. If they are successful, he will share the fate of Tom Mooney and Warren Billings.

Friends, in these perilous times, do you want *Mother Earth* to live? If so, renew your subscription and send us a contribution towards the maintenance fund.

We have only sixty days to make the appeal. This means that the complete transcript of the papers of the trial must be printed and put into the hands of the Supreme Court of the United States. The printing alone will cost \$2,000. The outcome of the appeal will depend on how much we can arouse the liberty-loving element of this country. To succeed in this we need the widest kind of publicity, which will require a substantial fund. If our friends want to save us from serving these terrible sentences, they will come to our rescue at once.

For twenty-seven years, I have, as you know, never appealed for personal assistance. Now, the result will be graver than the mere question of my personal liberty, and the result of an appeal will affect the fate of hundreds of men and women who are in jail for opposing the draft. Send us your contribution at once. Make it as large as possible. Don't think because I am out of jail temporarily on bail that I am safe. If you believe in my work, you will support me to the best of your ability. I am enclosing a subscription blank. Will you circulate it among your friends? Let me hear from you at once. There is no time to lose.

Yours fraternally,

Emma Goldman

Make checks payable to M. E. Fitzgerald.

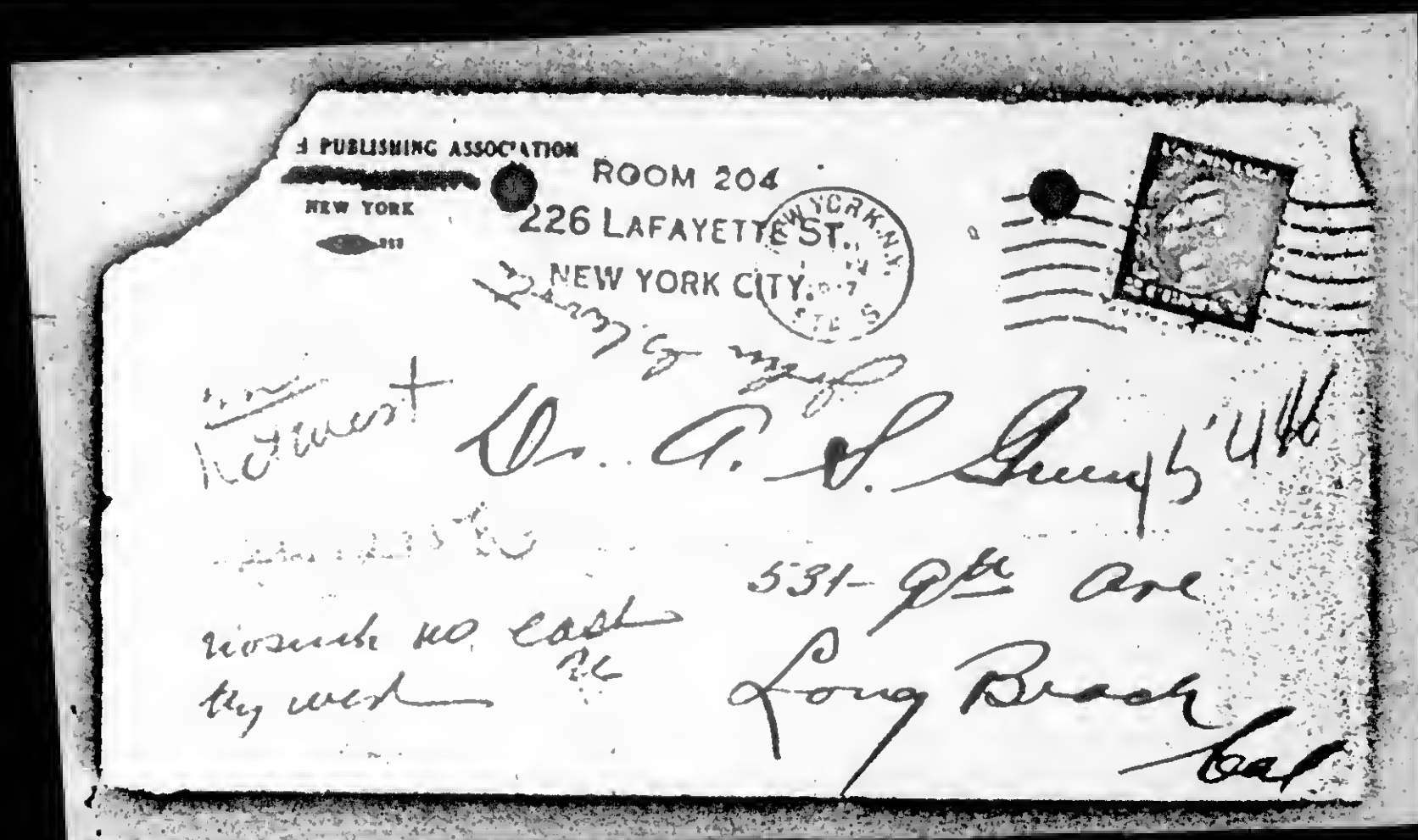
# The Emma Goldman Papers

[Envelope] 1917 [Aug. 1?] New York [to] A.S. Green, Long Beach, Calif. / [Mother Earth] Publishing Association. — 1 p. ; 9 × 16 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Post Office employees opened this envelope addressed to Dr. Green and forwarded the contents to the chief inspector.

**Notes:** Enclosed with 810128113. For enclosures, see 870217006, 870313001, and 870313002.



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## The Emma Goldman Papers

[Letter] 1917 Aug. 2 [New York to] William J. Finerty [Stenographer, United States District Court], New York / [Harry Weinberger]. — 1 p. ; 28 x 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger sends Finerty two hundred and fifty dollars to pay for the trial record for Goldman and Berkman's Supreme Court appeal.

**Notes:** Broken type.

August 2nd, 1917

William J. Finerty, Esq.,  
Post Office Bldg., Room 314,  
New York City.

Dear Sir:-

Enclosed please find my check for \$250.00  
to be applied on account in re official minutes for  
appeal in re U.S. v. Emma Goldman and Alexander Berkman;  
U.S. v. Morris Becker and Louis Kramer, and U.S. v.  
Louis Kramer.

The examination of the qualification of  
prospective jurors of course, are not wanted, nor  
is summation of defendants or District Attorneys wanted.

Yours very truly,

Enc.

FOR REFERENCE USE ONLY  
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The Yale University Library  
Permission necessary  
for reproduction or publication

The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Notice of Motion, 1917 Aug. 2 [in re: bail and return of exhibits] / Harry Weinberger. — 2 p. ; 34 x 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Weinberger notifies Francis Caffey that he will ask the District Court to accept Goldman and Berkman's bail and to order the government to return of all of their papers and money.  
Notes: For order mentioned, see 850806209.

[Aug. 2, 1917]

Fol.1/

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK.

----- X  
UNITED STATES OF AMERICA, :  
Plaintiff, :  
-against- :  
EMMA GOLDMAN and ALEXANDER BERKMAN, :  
Defendants. :  
----- -X

SIR:

" 2

PLEASE TAKE NOTICE that I will produce Emil Seelig before Hon. Martin T. Manton, on the 3rd day of August, 1917, at 10:30 o'clock in the forenoon, at room 327 in the Post-Office Building, Borough of Manhattan, City of New York, to testify as to the value of his real estate, and for an order accepting said Emil Seelig as real estate, in the sum of Twenty-five thousand (\$25,000.) Dollars, for Emma Goldman, and an order directing the clerk of this court to return the sum of Twenty-five thousand (\$25,000.) Dollars cash bail after the acceptance of said real estate bail; and the acceptance of said Emil Seelig as bail for Alexander Berkman for whatever equity there is above Fifty thousand (\$50,000.) Dollars; for an order directing the return of all papers, records, etc., not exhibits in the appeal now pending; the return of all bankbooks, checks money-orders taken by the District Attorney, the return of the sum of Seven hundred (\$700.) Dollars or more, taken on execution from the bank account of Emma Goldman and Alexander Berkman, and for such other and further relief as to the court may seem just and proper.

" 3

Dated, New York, August 2, 1917.  
Yours, &c.

To: Francis G. Caffey, HARRY WEINBERGER,  
U. S. Dist. Att. Attorney for Defendants,  
Post-Office Bldg. Office & P. O. Address,  
261 Broadway,  
Borough of Manhattan, City of N.Y.

The Emma Goldman Papers

United States [v.] Goldman [&] Berkman: Notice of Motion, 1917 Aug. 2 [in re: bail and return of exhibits] / Harry Weinberger. — 2 p. ; 34 × 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Weinberger notifies Francis Caffey that he will ask the District Court to accept Goldman and Berkman's bail and to order the government to return of all of their papers and money.  
Notes: For order mentioned, see 850806209.

Sir :—

NOTICE OF ENTRY

CLERK'S INDEX No.

YEAR

Please take notice that the within is a true copy of a \_\_\_\_\_ this day duly filed and entered in the office of the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_  
Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City  
To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

NOTICE OF SETTLEMENT.

Sir :—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of \_\_\_\_\_ in the City of New York, on the \_\_\_\_\_ day of \_\_\_\_\_ 191 at \_\_\_\_\_ o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_  
Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City  
To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES OF AMERICA,

Plaintiff

against

EMMA GOLDMAN and ALEXANDER  
BERKMAN,

Defendant S.

COPY

NOTICE OF MOTION.

HARRY WEINBERGER

ATTORNEY FOR Defendants \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

TO \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the within \_\_\_\_\_

is, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for \_\_\_\_\_

# The Emma Goldman Papers

[Letter] 1917 Aug. 3 [Washington, D.C. to W.B. Carlile] Postmaster [Post Office Department], Chicago / J.J. Southerland] Acting Solicitor [Post Office Department]. — 1 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Southerland directs the Chicago postmaster to destroy the June 1917 issue of *Mother Earth*, since it is nonmailable under the Espionage Act.

Notes: Light copy. Reply to 810128093.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-

August 3, 1917.

Postmaster,  
Chicago, Illinois.

In answer to your communication of the 31st ultimo,  
you are informed that the June, 1917, issue of "*Mother  
Earth*" is nonmailable under the provisions of Section 481 $\frac{1}{2}$ ,  
Postal Laws and Regulations.

You are directed to completely destroy the copies of  
that issue of this publication that may be in the mails in  
your office.

  
Acting Solicitor.



## The Emma Goldman Papers

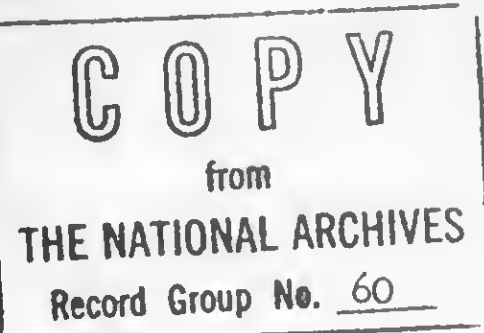
810113021

[Letter] 1917 Aug. 4, New York [to Thomas Wall Gregory] Attorney General [Department of Justice], Washington, D.C. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 1 p.; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey informs Gregory that he sent the District Court's decision in the Goldman and Berkman case to the United States attorney in Detroit.

Notes: For enclosure, see 810113022.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
TIALS AND NUMBER

H.A.C. H A C  
15385

Department of Justice  
United States Attorney's Office  
New York

OBC

Aug't 4 1917

The Attorney General,  
Washington, D. C.

S i r :

I beg to acknowledge receipt of  
your telegram of August 3rd, relative to  
sending the decision of the Court in the  
case of U. S. v. Emma Goldman and Alexander  
Berkman, to the United States Attorney at  
Detroit, Michigan.

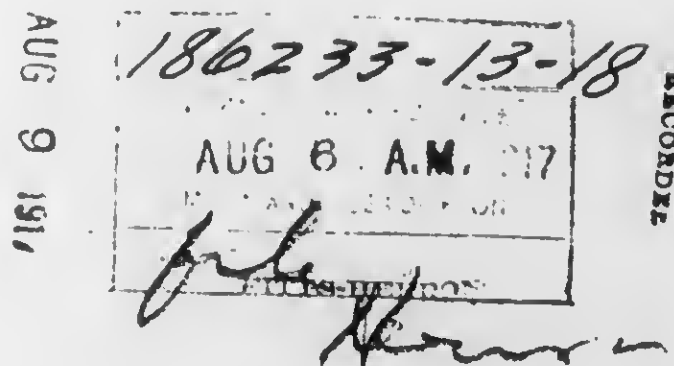
I have sent a letter to the United  
States Attorney at Detroit, a copy of which  
I enclose herewith and which I believe speaks  
for itself.

Respectfully,

*Francis G. Caffey*

U. S. Attorney.

Enc. 19390.



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# The Emma Goldman Papers

[Letter, 1917 Aug. 4? New York to] John E. Kinnane, United States Attorney [Department of Justice], Detroit, Mich. / [Francis G. Caffey] U[nited] S[tates] Attorney [Department of Justice].— 2 p. ; 34 × 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey explains the elements of proof of conspiracy and of aiding and abetting draft evasion.

Notes: Enclosed with 810113021.

**COPY**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

H A C

15385

OBC

Hon. John E. Kinnane,  
United States Attorney,  
Detroit, Mich.

S i r :

I am in receipt of a telegram from the  
Attorney General which reads as follows:

"Send direct to United States  
Attorney Detroit any authorities you  
may have on indictments under section  
three thirty two for aiding evasion  
of registration and draft law where  
no allegation or proof of actual vio-  
lation of the law by persons induced  
or counseled would not decision of  
court in Berkman and Goldman cases  
be helpful. Matter comes up in  
Detroit next week so that immediate  
action necessary."

Emma Goldman and Alexander Berkman were  
indicted for conspiring that divers persons of  
conscriptable age, whose names were unknown to the  
Grand Jury should wilfully fail to register and  
for further conspiring to aid, abet, counsel, com-  
mand, induce and procure such persons wilfully to  
fail to register. Of course, in a conspiracy trial,  
it is not necessary to prove that the object of the  
conspiracy was accomplished; in other words, it was not  
necessary to prove that any one actually failed to

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# The Emma Goldman Papers

[Letter, 1917 Aug. 4? New York to] John E. Kinnane, United States Attorney [Department of Justice], Detroit, Mich. / [Francis G. Caffey] U[nited] S[tates] Attorney [Department of Justice]. — 2 p. ; 34 x 21 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey explains the elements of proof of conspiracy and of aiding and abetting draft evasion.

Notes: Enclosed with 810113021.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

H A C. 16385.

OBO

Hon. John E. Kinnane. . . 2

register as the result of the solicitations of the defendants. It was only necessary to establish that certain overt acts were committed looking to the accomplishment of the object of the conspiracy. Therefore, I cannot furnish you with any authorities to the effect that prosecutions might be instituted under Section 332 U. S. C. for aiding the evasion of registration where no allegation or proof of an actual violation of the law by the persons induced or counseled was made.

I am of the opinion that in order to make out a case under Section 332, it is necessary to show that the substantive offense was committed, before it is possible to convict any one with aiding and abetting the commission of a crime. If it should become important to you to obtain a transcript of Judge Mayer's charge to the jury in the Berkman-Goldman case upon the question of conspiracy, I shall gladly obtain the same for you upon your request.

Respectfully,

U. S. Attorney.

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# The Emma Goldman Papers

[Letter] 1917 Aug. 5 [New York? to] Bureau of Investigation, Department of Justice, Washington, D.C. / Samuel H. Maxwell. — 1 p. ; 24 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Maxwell sends the Bureau of Investigation a leaflet, currently circulating in New York.

15446

*Liberty*  
*5/2/17*

Aug 5, 1917

Bureau of Investigation,  
United States Dept of Justice,  
Washington, D. C.

RECEIVED  
AUG 6 1917  
BUREAU OF INVESTIGATION  
U. S. DEPT. OF JUSTICE

Dear Sirs,

Enclosed please find leaflet  
of which hundreds of similar ones  
have been distributed among the  
people of the lower east-side.

Respectfully,

Samuel H. Maxwell.

BEST COPY AVAILABLE

628



## The Emma Goldman Papers

[Letter] 1917 Aug. 6 [New York to] William G. McAdoo, Secretary of the Treasury [Treasury Department], Washington, D.C. / [Harry Weinberger]. — 1 p.; 28 x 22 cm.  
 Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
 Summary: Weinberger asks the secretary of the treasury whether all government departments must accept Liberty Bonds in lieu of cash, since United States Attorney Caffey refused to accept such bonds for Goldman's bail.  
 Notes: Broken type; light copy; portions illegible. For reply, see 850712511.

August 6, 1917.

Hon. William G. McAdoo,  
 Secretary of the Treasury  
 Washington, D. C.

Dear Sir:—

The United States District Attorney for the Southern District of New York, refused to consider Liberty Bonds as bail in the case of United States vs. Emma Goldman, but did take the next day actual cash in the sum of \$25,000.

In all your official statements you have stated that Liberty Bonds are as good as money.

Will you kindly inform me, as Secretary of the Treasury, whether all the Departments of the United States Government must consider Liberty Bonds similar to cash; because if they must, we probably will offer Liberty Bonds as bail in the case of United States vs. Alexander Berkman.

Thanking you for an early reply, I am,

Respectfully yours,

W/

BEST COPY AVAILABLE

The Emma Goldman Papers

United States [v.] Goldman and Berkman: Order, 1917 Aug. 6 [to return defendants' property] / [Harry Weinberger]. — 2 p. ; 34 x 21 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Weinberger prepares an order for the District Court judge's signature, which requires the United States marshal to return Goldman and Berkman's property, seized at their arrest.  
Notes: Enclosed with 811104144.

[Aug. 6, 1917]

Fol. 1

At a Term of the United States District Court, for the Southern District of New York, held in the Post-Office Building, Borough of Manhattan, New York City, on this 6th day of August, 1917.

P R E S E N T :

HON. MARTIN T. MANTON,

DISTRICT JUDGE.

----- -X  
UNITED STATES OF AMERICA :  
Plaintiff, :  
- against - :  
EMMA GOLDMAN and ALEXANDER BERKMAN, :  
Defendants. :  
----- -X

" 2

On reading and filing the notice of motion dated the 2nd day of August, 1917, and all other proceedings had herein, and after hearing Harry Weinberger, Esq., for the motion, and upon consent of Harold A. Content, Assistant District Attorney, it is

O R D E R E D, that the United States Marshal for the Southern District of New York, be and he hereby is directed to deliver forthwith to Harry Weinberger, as attorney for Emma Goldman and Alexander Berkman, all papers, books, checks, moneyorders, mailing lists and all other property now in his possession that are not actual exhibits in the case.

" 3

E N T E R .

U.S.D.J.

The Emma Goldman Papers

United States [v.] Goldman and Berkman: Order, 1917 Aug. 6 [to return defendants' property] / [Harry Weinberger]. — 2 p. ; 34 × 21 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger prepares an order for the District Court judge's signature, which requires the United States marshal to return Goldman and Berkman's property, seized at their arrest.

Notes: Enclosed with 811104144.

Sir:—

NOTICE OF ENTRY

Please take notice that the within is a true copy of a \_\_\_\_\_ this day duly filed and entered in the office of the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of

this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of

\_\_\_\_\_ in the City of New York,

on the \_\_\_\_\_ day of \_\_\_\_\_ 191

at \_\_\_\_\_ o'clock, in the forenoon or as soon

thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

CLERK'S INDEX No.

YEAR

UNITED STATES DIST. COURT  
SOUTHERN DIST. OF NEW YORK.

UNITED STATES OF AMERICA,

Plaintiff

against

EMMA GOLDMAN and ALEXANDER  
BERKMAN,

Defendants

COPY

O R D E R.

HARRY WEINBERGER

ATTORNEY FOR \_\_\_\_\_ Defendants,

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

TO \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the within \_\_\_\_\_

is, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for \_\_\_\_\_

# The Emma Goldman Papers

810113028

[Telegram] 1917 Aug. 7 [Washington, D.C. to Francis G. Caffey] United States Attorney [Department of Justice], New York / [John W.] Davis, Solicitor General [Department of Justice]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Davis asks Caffey about the status of Goldman's Supreme Court appeal.

Notes: For follow-up letter, see 810113029. For reply, see 810113026.

COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

BG-WJH-WRL

186233-13-

August 7, 1917.

United States Attorney,  
New York, N.Y.

Record on writ error Goldman case not yet received Supreme Court. Understand Justice Brandeis agreed to allow writ upon giving of bond for damages and costs accordance section one thousand Revised Statutes. No such bond yet given. Understand meantime plaintiff in error released on bail. Citation not yet served on Department. Has it been served on you? See Rule thirty-six, section two Supreme Court. Wire present status of case. Letter follows.

Davis,

Solicitor General.

9

186233-13-20  
DEPARTMENT OF JUSTICE  
AUG 8 A.M.  
MAIL ROOM

BEST COPY AVAILABLE

632



# The Emma Goldman Papers

[Letter] 1917 Aug. 7 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / J[ohn] W. Davis, Solicitor General [Department of Justice]. — 2 p. ; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Davis believes that the government may have released Goldman on bail prematurely. He asks Caffey for the status of Goldman's appeal.

Notes: Follow up to 810113028. For reply, see 810113026.

COPY

from  
THE NATIONAL ARCHIVES  
Record Group No. 60

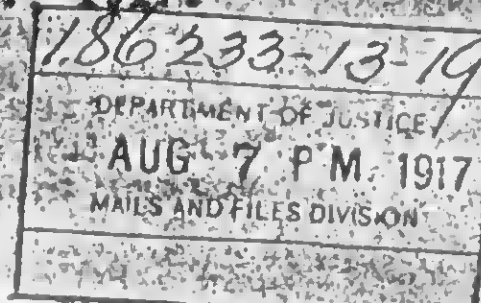
Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

8G-WJH-WRL

186233-13

Francis G. Caffey, Esq.,  
United States Attorney,  
New York, N.Y.

Sir:



On inquiry at the office of the Clerk of the Supreme Court yesterday I was informed that the case of Emma Goldman, plaintiff in error, vs. United States, has not yet been docketed. There is no record in the Clerk's office of the writ of error having been allowed by Mr. Justice Brandeis, but the understanding was that he had agreed to allow the writ upon the giving of a bond to answer for any damages and costs in accordance with section 1000 of the Revised Statutes. The counsel for Goldman, Harry Weinberger, 261 Broadway, New York, had some correspondence with the Clerk of the Court during the last week of July in relation to furnishing a cost bond, Mr. Weinberger taking the position that no such bond could be required in a criminal case. Nothing has been heard from him since, no bond has been given, and no citation has been served on the Department, nor has the Department or the Clerk's office any information as to whether the writ of error has actually been allowed. It is the desire of the Department to expedite this case as much as possible, and I have accordingly just wired you as follows:

BEST COPY AVAILABLE

633

# The Emma Goldman Papers

[Letter] 1917 Aug. 7 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / J[ohn] W. Davis, Solicitor General [Department of Justice]. — 2 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Davis believes that the government may have released Goldman on bail prematurely. He asks Caffey for the status of Goldman's appeal.

**Notes:** Follow up to 810113028. For reply, see 810113026.

**COPY**  
from  
**THE NATIONAL ARCHIVES**  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

U S Attorney N Y 2

Record on writ error Goldman case not yet received Supreme Court. Understand Justice Brandeis agreed to allow writ upon giving of bond for damages and costs accordance section one thousand Revised Statutes. No such bond yet given. Understand meantime plaintiff in error released on bail. Citation not yet served on Department. Has it been served on you? See Rule thirty-six, section two Supreme Court. Wire present status of case. Letter follows.

If the citation has not yet been served upon you, and no steps have been taken to have the record prepared on the writ of error, it is obvious that under Rule 36, section 2, the plaintiff in error was improvidently released on bail. For this reason, and so that proper steps may be taken in the matter, you are requested to advise the Department the present situation of the case and to keep it advised of further steps therein, so that the interests of the Government may be protected.

Respectfully,

(Signed) Jno. W. Davis  
Solicitor General.

BEST COPY AVAILABLE



# The Emma Goldman Papers

[Telegram] 1917 Aug. 8, New York [to John W. Davis] Solicitor General, Department of Justice, Washington, D.C. / [Francis G.] Caffey [United States Attorney, Department of Justice]. — 1 p. ; 32 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Caffey informs Davis that he has received the papers in Goldman's appeal and she has been properly released on bail.

**Notes:** Dark copy. Reply to 810113029. For follow up, see 810113027.

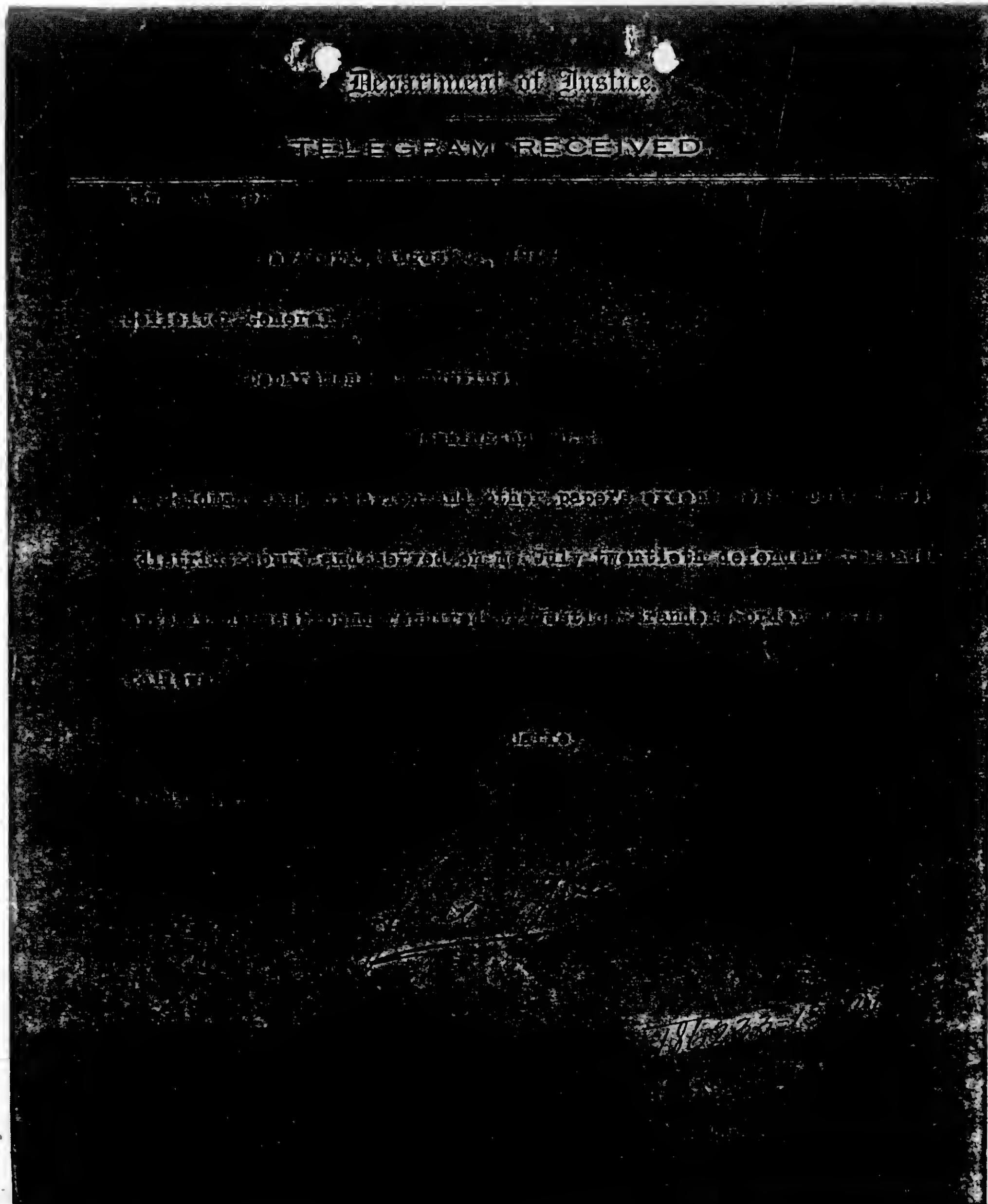
COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)



BEST COPY AVAILABLE

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# The Emma Goldman Papers

[Letter] 1917 Aug. 8, New York [to John W. Davis] Solicitor General, Department of Justice, Washington, D.C. / Francis G. Caffey, United States Attorney, Department of Justice. — 3 p.; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey gives the solicitor general a detailed status update on Goldman's Supreme Court appeal.

Notes: Reply to 810113028 and 810113029. For reply, see 810113037. Follow up to 810113026.

COPY  
from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

United States Attorney's Office

15385

New York

August 8, 1917.

186233-13-21

The Solicitor General,  
Department of Justice,  
Washington, D. C.

Sir:

I have your telegram and letter of August 8, 1917, in reference to the case of Emma Goldman, plaintiff in error, v. United States. I have just wired you as follows:

In Goldman case citation and other papers except cost bond filed District Court and served on me July twentieth. Defendant released on bail. No cost bond required by Justice Brandeis' order. Letter follows.

The petition for writ of error on behalf of Emma Goldman and her co-defendant, Alexander Berkman, dated July 17, 1917, was allowed by Mr. Justice Brandeis in order dated July 19, 1917, in the following words:

Writ of Error, to operate as a Supersedeas, allowed, returnable, according to law, the defendants to furnish bail in the sum of Twenty-five thousand Dollars (\$25,000) each, conditioned according to law, subject to the approval of one of the Judges of the United States District Court for the Southern District of New York.

The petition and order of Justice Brandeis were filed in the office of the Clerk of the District Court here and served on me July 20, 1917.

The writ of error, signed and sealed by the Clerk of the Supreme

636



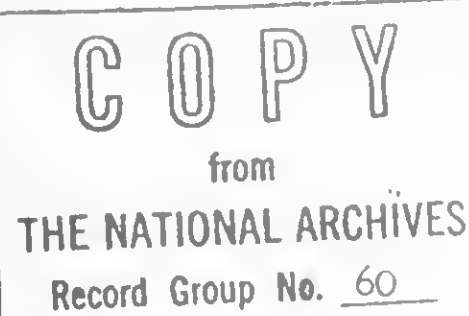
# The Emma Goldman Papers

[Letter] 1917 Aug. 8, New York [to John W. Davis] Solicitor General, Department of Justice, Washington, D.C. / Francis G. Caffey, United States Attorney, Department of Justice. — 3 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Caffey gives the solicitor general a detailed status update on Goldman's Supreme Court appeal.

**Notes:** Reply to 810113028 and 810113029. For reply, see 810113037. Follow up to 810113026.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

-2-

Court and marked "Allowed by Louis D. Brandeis, Associate Justice of the Supreme Court of the United States", was filed in the office of the Clerk of the District Court here and served on me July 20, 1917.

Assignments of error, dated July 17, 1917, were filed in the office of the Clerk of the District Court here and served on me July 20, 1917.

The citation, dated July 19, 1917, signed by Mr. Justice Brandeis was filed in the office of the Clerk of the District Court here and served on me July 20, 1917.

Emma Goldman has given bail in the sum of \$25,000, which has been approved by one of the District Judges here, and she has been released.

I note what you say in reference to section 1000 of the Revised Statutes and section 2 of Rule 36 of the Supreme Court Rules regarding a bond for costs. The order of Mr. Justice Brandeis, dated July 19, 1917, allowing the writ of error did not require a cost bond. Upon investigation here I find that a cost bond has never been required in a case of this kind. I shall be glad to receive your instructions if an effort should be made now to secure a cost bond.

I am informed by the Clerk of the District Court here that the attorney for Emma Goldman is perfecting the record for the Supreme Court and expects to have it on file with the Clerk of that court very shortly.

As I understand it, the time for filing the record in the

637

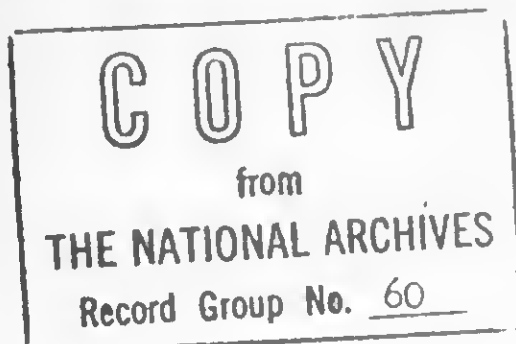
## The Emma Goldman Papers

[Letter] 1917 Aug. 8, New York [to John W. Davis] Solicitor General, Department of Justice, Washington, D.C. / Francis G. Caffey, United States Attorney, Department of Justice. — 3 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Caffey gives the solicitor general a detailed status update on Goldman's Supreme Court appeal.

**Notes:** Reply to 810113028 and 810113029. For reply, see 810113037. Follow up to 810113026.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

-3-

Supreme Court expires on August 19, 1917.

Respectfully,

United States Attorney.

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## The Emma Goldman Papers

[Letter] 1917 Aug. 8 [New York to] James D. Maher, Clerk, United States Supreme Court, Washington, D.C. / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger sends bonds for Goldman, Berkman, Morris Becker and Louis Kramer to the Supreme Court clerk.

**Notes:** Broken type. For enclosed letter, see 850625195. For reply, see 850712461.

August 8th, 1917

James P. Maher, Esq.,  
Clerk, United States Supreme Court,  
Washington, D.C.

Dear Sir:-

I enclose herewith bonds in the case of United States v. Morris Becker and Louis Kramer, United States v. Emma Goldman and Alexander Berkman and United States v. Louis Kramer, signed by Dr. Michael A. Cohn, to be approved by Hon. Louis D. Brandeis, Associate Justice of the Supreme Court of the United States.

Will you kindly submit same to the judge and return to me so that I may file same. I enclose herewith also letter addressed to the judge.

Yours very truly,

Enc.

BEST COPY AVAILABLE

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## The Emma Goldman Papers

[Letter] 1917 Aug. 8 [New York to] Louis D. Brandeis, Associate Justice, United States Supreme Court, Washington, D.C. / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional*

*Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger sends Justice Brandeis bonds for Goldman and Berkman's bail signed by Michael Cohen.

**Notes:** Broken type. Enclosed with 850712460.

August 8th, 1917

Hon. Louis D. Brandeis,  
Associate Justice, United States Supreme Court,  
Washington, D. C.

Dear Sir:-

The bonds enclosed are for your approval and  
are signed by Dr. Michael A. Cohen of 1505 President  
Street, Brooklyn, N.Y.

To my knowledge, Dr. Cohen is financially worth  
more than \$90,000.00.

Respectfully yours, .



# The Emma Goldman Papers

[Letter] 1917 Aug. 9 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / J[ohn] W. Davis, Solicitor General [Department of Justice]. — 1 p.; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Davis asks Caffey to send him a copy of the citation and the assignments of error in Goldman's appeal.

Notes: Reply to 810113027. For reply, see 810113033.

COPY

from  
THE NATIONAL ARCHIVES  
Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

SG-WJH-LJB

186233-13-21

Aug. 9, 1917.

Francis G. Caffey, Esq.,  
United States Attorney,  
New York, N. Y.

Sir:

I beg to acknowledge receipt of your letter of the 8th instant, in relation to the case of Emma Goldman et al., plaintiff in error, v. The United States.

I will be glad if you will send to me by return mail a copy of the assignments of error, and also a copy of the citation served upon you. (See Regulations Par. 749.)

Please advise me at once when the clerk of the district court forwards the transcript of the record in the case either to opposing counsel or to the clerk of the Supreme Court.

Respectfully,

(Signed) Jno. W. Davis

Solicitor General.

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# The Emma Goldman Papers

811104144

[Letter] 1917 Aug. 9, New York [to] Martin T. Manton, Judge, United States District Court, New York / Harry Weinberger. — 1 p. ; 28 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger reminds Judge Manton that everyone agreed the government should return the material seized from Goldman's office, but Marshal McCarthy had demanded a court order.

Notes: Broken type; light copy. For enclosure, see 850806209.

HARRY WEINBERGER  
COUNSELOR AT LAW  
261 BROADWAY, NEW YORK  
TELEPHONE CONNECTION

August 9, 1917.

Hon. Martin T. Manton,  
United States District Court,  
Post-Office Building,  
New York City.

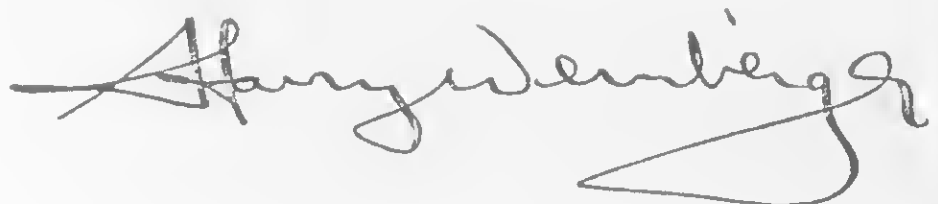
Dear Sir:-

Mr. Roosa states that your Honor does not remember that the question of return of all papers not exhibits in the case was argued before Your Honor, and that Mr. Content consented to the return of all papers, and said that a formal order was not necessary.

I enclose herewith copy of the motion papers, and the only reason a formal order was afterwards entered was because upon application to the Marshal for all papers not exhibits, he stated that he would not return anything without an order from the court.

I am writing this so that it will be formally before Your Honor that I am correct that the matter was before you, and that the question was disposed with the consent of Mr. Content.

Respectfully yours,



W/

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## The Emma Goldman Papers

[Letter] 1917 Aug. 9, Washington, D.C. [to] Harry Weinberger, New York / James D. Maher, Clerk, United States Supreme Court. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** The Supreme Court clerk acknowledges receipt of cost bonds in Goldman and Berkman's appeal.

**Notes:** Reply to 850712460.

OFFICE OF THE CLERK,  
Supreme Court of the United States,  
Washington, D.C.

August 9, 1917.

Harry Weinberger, Esq.,  
New York City.

Dear Sir:-

Your letter of the 8th instant, enclosing cost bonds in the cases of The United States v. Morris Becker et al., Same v. Emma Goldman et al., and Same v. Louis Kramer, duly received, and the bonds sent to Mr. Justice Brandeis, as requested.

Yours truly,

JAMES D. MAHER, Clerk.

TFD.

By  Ass't.

# The Emma Goldman Papers

[Agent Report] In re: Anarchists, Chicago [19]17 Aug. 10 / W.L. Furbershaw [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 30 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Furbershaw forwards an informant's report that Goldman comes to Chicago on August 19, 1917.

Notes: Broken type.

Report Form No. 1

REPORT MADE BY: W. L. Furbershaw	PLACE WHERE MADE: Chicago	DATE WHEN MADE: Aug. 10, 1917	PERIOD FOR WHICH MADE: Aug. 10, 1917
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: In re Anarchists			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: At Chicago, Illinois.  Confidential informant working in conjunction with this office and the Chief of Police reports under date of August 3rd, 1917, as follows:  "An anti-draft circular will be distributed by some <u>Anarchists</u> . <u>Kate Cohen</u> and <u>Judine</u> are the main sponsors of same. If they would be watched, they could be caught. She looks a bad image of <u>Emma Goldman</u> and always wears dark clothes and glasses. He is a dark short Jew. They still live at 846 Roscoe. The circular will be on red paper. <u>Emma Goldman</u> is coming here around the 19th. I will be looking for a hall tomorrow."			
COPY OF THIS REPORT FURNISHED TO: Chicago office.			

BEST COPY AVAILABLE

644



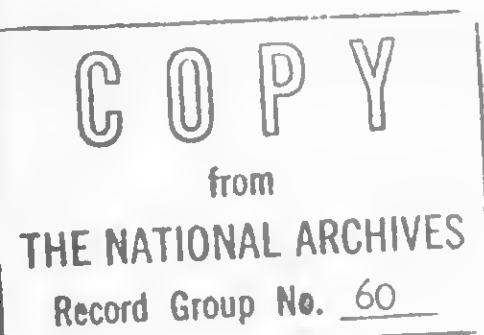
# The Emma Goldman Papers

[Letter] 1917 Aug. 11, New York [to] John W. Davis, Solicitor General, Department of Justice, Washington, D.C. / Francis G. Caffey, United States Attorney, Department of Justice. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

**Summary:** Caffey sends copies of the citation and the assignments of error in Goldman's Supreme Court appeal to the solicitor general at his request.

**Notes:** For enclosures, see 810113035 and 810113036. Reply to 810113037. For reply, see 810113032.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

United States Attorney's Office

15385

New York

August 11, 1917.

Hon. John W. Davis,  
Solicitor General,  
Department of Justice,  
Washington, D. C.

Sir:

I have your letter of August 9, 1917, in reference to the case of Emma Goldman et al., plaintiff in error, v. The United States. In compliance with your request, I enclose copy of the assignments of error and copy of the citation served on me.

I regret that these papers were not forwarded to you earlier. My attention had not previously been called to Regulation 749.

In accordance with your instructions, I shall notify you promptly when the clerk of the District Court forwards the transcript of the record in the case either to opposing counsel or to the Clerk of the Supreme Court.

Respectfully,

*Francis G. Caffey*

United States Attorney.

Enclosures - 2.

186233-13-27  
AUG 26 1917

186233-13-27  
AUG 31 A.M. 1917  
SOLICITOR GENERAL

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# The Emma Goldman Papers

[Letter] 1917 Aug. 11 [New York to] A. B[ruce] Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / W[illia]m M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Offley briefly describes James Hallbeck, who contributed a large amount of money to Goldman.

Notes: Dark copy; barely legible. Follow-up to 880603075.

15446

August 11, 1917.

A. B. Bielaski,  
Chief, Bureau of Investigation,  
Department of Justice,  
Washington, D.C.,

Dear Sir:

In reply to your letter RDB of the 9th instant, I beg to advise you that James Hallbeck who supplied the funds for the certificate of deposit of \$2400 in the name of Emma Goldman, is a man well advanced in years and evidently of failing mentality, as indicated by his actions.

He dresses in extreme clothing, apparently with the idea of creating the impression that he is much younger than he really is.

He is a retired merchant and comfortably well off and amply able to have given the money to Miss Goldman, to whom he has made previous gifts in varying amounts, as well as presents of different articles.

He is evidently infatuated with the woman, which fact accounts for these gifts.

He was thoroughly examined in the office of Assistant United States Attorney Content prior to the Goldman-Berkman trial, and every one was convinced he has no connection with their propaganda beyond financing the woman in part.

Very truly yours,

Wm M. Offley

Division Superintendent.

BEST COPY AVAILABLE

646

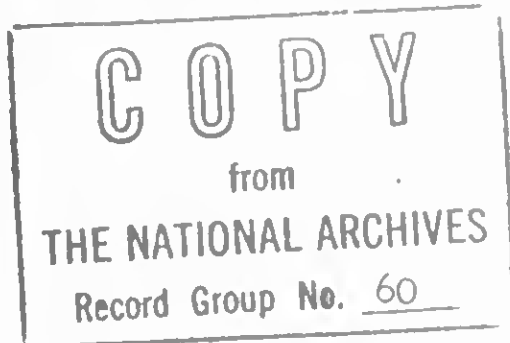
# The Emma Goldman Papers

[Letter] 1917 Aug. 13 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / J[ohn] W. Davis, Solicitor General [Department of Justice]. — 1 p. ; 36 × 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 60.*

**Summary:** Davis acknowledges receipt of the citation and assignment of errors in Goldman's Supreme Court appeal.

**Notes:** Reply to 810113033.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

186233-13 —

August 13, 1917.

Francis G. Caffey, Esq.,  
United States Attorney,  
New York, N.Y.

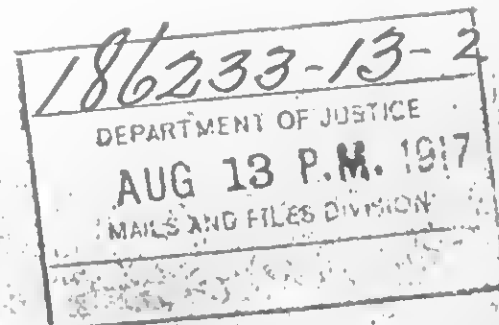
Sir:

I am in receipt of yours of August 11, enclosing assignments of error and copy of citation in Goldman v. United States.

Respectfully,

(Signed) Jno. W. Davis

Solicitor General.



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# The Emma Goldman Papers

[Letter] 1917 Aug. 13, New York [to] Sol Zimmer, Long Beach, Calif. / [Ben] Reitman. — 1 p. ; 26 × 20 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Reitman sends *Mother Earth* subscription information to Sol Zimmer at his request.

Notes: Broken type. Enclosed with 810128114. For enclosures, see 870217006, 870217009, 870313000, and 870313001.

## MOTHER EARTH

Monthly Magazine  
of  
Anarchist Thought

No. 6 Copy  
\$1.50 per Year

HEADQUARTERS FOR ANARCHIST LITERATURE

## MOTHER EARTH PUBLISHING ASSOCIATION

20 EAST 123TH STREET  
NEW YORK

TEL. 8194 HARLEM

## ANARCHISM

The philosophy of a  
new social order based  
on liberty unrestricted  
by man-made laws; the  
theory that all forms  
of government rest  
on violence, and are  
therefore wrong and  
harmful, as well as  
unnecessary.

ROOM 204  
226 LAFAYETTE ST.  
NEW YORK CITY.

August 13, 1917.

Sol Zimmer,  
427 Cornado Avenue,  
Long Beach, Calif.

Dear Friend:

We are glad to have your letter and a copy of "Mother Earth" was sent you. We hope you will be interested to subscribe. The price is \$1.00 per year, but if you will send us \$1.50 and 15 cents postage we will send you either a copy of Alexander Berkman's Book, "The Prison Memoirs of an Anarchist" or Emma Goldman's "The Social Significance of the Modern Drama".

We are enclosing you a letter which Miss Goldman has been sending to all of her friends and hope it will interest you.

With best wishes, we are yours for a better world.



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## The Emma Goldman Papers

[Envelope] 1917 Aug. [13] New [York to] Sol Zimmer, Long Beach, Calif. / [Ben Reitman]. — 1 p. ; 9 × 15 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Post Office employees opened this envelope and forwarded the contents to the chief inspector.

**Notes:** Enclosed with 810128114. For enclosures, see 870217006, 870217007, 870217009, 870313000, and 870313001.



# The Emma Goldman Papers

[Agent Report] In re: Abraham Edelstat—Neutrality matter, Butte, Mont., 1917 Aug. 13 / E.W. Byrn, Jr., Agent [Bureau of Investigation, Department of Justice].—1 p.; 36 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Byrn reports on the activities of Abraham Edelstat, reputed to be Goldman's cousin.

REPORT FORM NO. 1

FEB 2 1

REPORT MADE BY: **Agent E. W. Byrn, Jr.** PLACE WHERE MADE: **Butte, Mont.** DATE WHEN MADE: **Aug 13, 1917** PERIOD FOR WHICH MADE: **8-11-17**

TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:

In re: Abraham Edelstat  
Neutrality matter.

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:

At Butte, Montana.

The above-named party has heretofore on various occasions been called to my attention as a dangerous individual. He is supposed to be a Russian Jew, resident in this country for many years. He conducts a shoe store at 7 South Main St. and resides at 532 South Washington St. He is reported to be a cousin of Emma Goldman, the notorious anarchist leader.

I am advised confidentially by the Agent of one of the Mining Companies here, that on the night of August 1st, which is the night following that on which Frank Little, I. W. W. leader was lynched in Butte, Joe Shannon, a prominent agitator of Butte, who feared for his own safety, was at the house of Edelstat all night, sleeping there for safety, and during all of that night, Edelstat stood behind a darkened window with a gun, prepared to repel any attack.

Further watch will be maintained upon the activities of Edelstat, who is a most radical Socialist, if not an Anarchist.

COPY OF THIS REPORT FURNISHED TO:

C 7-477

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman, et al., Chicago, 1917 Aug. 14 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 1 p. ; 30 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Clabaugh forwards the report of an undercover informant who has been attending anarchist meetings in Chicago.

REPORT FORM NO. 1

3585

AUG

REPORT MADE BY: <b>H.G. Clabaugh</b>	PLACE WHERE MADE: <b>Chicago</b>	DATE WHEN MADE: <b>Aug. 14, 17</b>	OFFICE CHIEF OF STAFF WAR COLLECTOR WHICH MADE: <b>Aug. 14, 17</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>In re Emma Goldman, et.al.</b>			AUG 10/01-21 WAR DEPARTMENT
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:			
<p><b>At Chicago, Illinois.</b></p> <p>Confidential informant working in conjunction with this office and the Chief of Police reports under date of August 12th, 1917, as follows:</p> <p>"I could not attend the secret meeting of the Anarchist Friday on account of having to send out Committees to Unions on the <u>Berkman</u> Conference, and having to attend a meeting of Cigar Makers, but I saw <u>Katy Cohen</u> and she told me that there were only a few and they decided that the <u>Social War</u>, though printed in New York, should be as though published here. They sent money to <u>Hoyel</u>, who is not hiding. <u>Mike Rosenberg</u>, 1136 Troy St. who is here under several names - <u>Hart</u> is one - is an active one from New York. He is here to avoid the Draft. You should have some one at the <u>Non-Partisan League</u> every Wednesday evening at the <u>Workers- Institute</u>."</p>			
COPY OF THIS REPORT FURNISHED TO: <b>Chicago office</b>			7-677

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# The Emma Goldman Papers

[Agent Report] In re: Rosa Spanier and Helen Boardman, Alexander Berkman [et al.]—Anarchistic Matters, N[ew] Y[ork] 1917 Aug. 14 / E.P. Martin [Agent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Agent Martin begins his investigation of Berkman's prison correspondents at the home of Rosa Spanier.

**Notes:** Broken type; light copy; barely legible. For follow-up report, see 880603092.

Report Form No. 1

REPORT MADE BY: E. P. Martin	PLACE WHERE MADE: N. Y. City	DATE WHEN MADE: August 14, 1917	PERIOD FOR WHICH MADE: Aug. 9.
TITLE OF CASE AND OFFENSE: <b>IN RE: ROSA SPANIER AND HELEN BOARDMAN, ALEXANDER BERKMAN, "ET AL." ANARCHISTIC MATTERS.</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, APPROPRIATE INVESTIGATIONS, ETC.			
<p>Pursuant to Chief's Letter of July 25, 1917, A. C. J., in- closing photostatic copies of telegrams addressed to Berkman, at Federal Penitentiary, Atlanta, and signed by above and further instructions of Assistant Division Superintendent Baker, called at the home of <u>Miss Rosa Spanier</u>, 122 West Street, N. Y. City, but found her out. Made an appointment with the man in charge, for Friday morning at 11 o'clock.</p>			
COPY OF THIS REPORT FURNISHED TO:			

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# The Emma Goldman Papers

[Agent Report] In re: Alexander Berkman, Rosa Spanier, Helen Boardman [et al.]—Anarchistic Matters, N[ew] Y[ork] 1917 Aug. 14 / E.P. Martin [Agent, Bureau of Investigation, Department of Justice].— 3 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Martin describes his long interview with Rosa Spanier, officer of the Workmen's Council, who is under investigation for writing to Berkman in prison.

Notes: Follow-up to 880603091.

REPORT FORM NO. JOC.	-2-	154-110-154
REPORT BY E.P. Martin	At New York City	August 14, 1917
TITLE OF MATTER: IN RE: ALEXANDER BERKMAN, ROSA SPANIER AND HELEN BOARDMAN, "E.F." "FERRER ASSOCIATION", "FITZIE" AND "FITSI" Anarchistic Matters.		10110-154 3
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.:		
<p>In continuation of the above matter, called at 109 Leroy Street, and interviewed <u>Miss Rosa Spanier</u>. <u>Miss Spanier</u>, at first was somewhat reticent about matters pertaining to socialism, but after continued questioning she became quite verbose. She is very bright; alert; well educated; claims to have graduated from the Ethical Culture School, N. Y. City, and once started is very willing to talk socialism, for which she poses as a martyr to the cause. She claims to have no anarchistic tendencies, but worships Emma Goldman, recently committed to the Federal Prison, Atlanta, and in my opinion she is a rabid anarchist. She at first, claimed that she did not in any way communicate with <u>Alexander Berkman</u>, while he was at the Federal Prison at Atlanta, but later admitted that she had permitted her name to be used in telegrams sent to <u>Berkman</u> and <u>Goldman</u>, while they were at the Prison, and during the course of this interview, she continually walked around, stating that the Government was all wrong in their handling of socialistic affairs, and when I saw that she was about to enter on an extemporaneous dissertation on socialism and anarchism, there being some others present in the adjacent rooms, one in particular, an editor of the "New World", a Socialistic paper, I deemed it advisable to continue the interview at our Office, and under a suitable pretext, invited her down,---she being under the impression that I was going to give her information of value. She came to this office at her own solicitation, and was interviewed at this office, at length by me.</p> <p>I learned that the "<u>E. F.</u>" signed to one of the telegrams</p>		
COPY OF THIS REPORT FURNISHED TO:		7-577

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## The Emma Goldman Papers

[Agent Report] In re: Alexander Berkman, Rosa Spanier, Helen Boardman [et al.]—Anarchistic Matters, N[ew] Y[ork] 1917 Aug. 14 / E.P. Martin [Agent, Bureau of Investigation, Department of Justice].— 3 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Martin describes his long interview with Rosa Spanier, officer of the Workmen's Council, who is under investigation for writing to Berkman in prison.

Notes: Follow-up to 880603091.

-5-

E. P. Martin, for August 10, 1917 Berkman, <sup>10/10-15-17</sup> of al.  
sent with the Chief's letter, is Ellen Fitzgerald, who is known as the secretary of Emma Goldman. "Fitzi" signed to another one of the telegrams, same date, and "Fitzio", are one and the same person. Asked who Miss Boardman might be, she claimed that Helen Boardman mentioned in photostatic copy of telegram of same date is a Miss Boardman, who resided near Minneapolis, and now resides at 29 Grove Street, N. Y. City. She claims that Miss Boardman comes from very wealthy parents; that before the Berkman-Goldman trial she was a reservist; that Miss Spanier invited Miss Boardman to attend the trial, which Miss Boardman did, and after the trial, Miss Spanier claims Miss Boardman expressed herself as now being an ardent anarchist.

Miss Spanier claims that she is the the Publicity Committee of the Workmen's Council, and is the corresponding secretary of said Council, headquarters, 175 East Broadway. This building is known as "Forward Hall", a socialistic and anarchistic rendezvous. She claims that she represents 5,000 workers throughout the U. S.; that she speaks at meetings of this Council. She claims that the Non-Conscription League was dissolved and the New Workmen's Council organized; that most of the Council are against Conscription, and in favor of repealing this act; that she has called at Washington, representing the Council; that they are working at the present time, through Senator Mason of Illinois; that they are working to force the U. S. into expressing its peace terms. She claims that she knows the daughter of Senator La Follette, and that said daughter was married to Mr. George Middleton; that Mrs. Middleton has joined the socialistic society to Branch One, N. Y. City; that Senators La Follette, Borah, Vardaman, Moyer London, (Congressman) and Congressman Mason of Illinois spoke at a meeting of this Council held at Madison Square Garden,

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# The Emma Goldman Papers

[Agent Report] In re: Alexander Berkman, Rosa Spanier, Helen Boardman [et al.] — Anarchistic Matters, N[ew] Y[ork] 1917 Aug. 14 / E.P. Martin [Agent, Bureau of Investigation, Department of Justice]. — 3 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Martin describes his long interview with Rosa Spanier, officer of the Workmen's Council, who is under investigation for writing to Berkman in prison.

Notes: Follow-up to 880603091.

-4-

DC.

E. P. Martin, for August 10, 1917 Berkman, et al.

on August 1, 1917. I learned that her private telephones are Bronx 2312, and Riverside 8600, where she can be reached at most any time. Bronx 2312 is at 109 Leroy Street, N. Y. City, and 8600 Riverside Drive, is the Cleopatra Apartments, 324 West 103rd Street.

She further stated that the Workmen's Council comprises the United Hebrews Trades, and also some branches of the Central Federated Union. She says she is not a member of the Ferrer Association, but she is a member of the Committee, who at the present time, are receiving funds for the defense of Berkman in the contemplated California suit; that she believes in un-restricted freedom of the press; that her father is William Spanier, who resides at 40 Columbia Street, N. Y. City. The Ferrer Association which is also known as "The Modern School", with headquarters, at Stelton, N. J., a school of non-conformists, which brings up children of both sexes, as far as I could glean, with socialistic ideas. Mr. Berkman, I later learned is one of the moving spirits in this school.

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## The Emma Goldman Papers

[Letter] 1917 Aug. 14 [New York to] Harold A. Content [Assistant United States Attorney, Department of Justice], New York / [Harry Weinberger]. — 1 p. ; 28 × 22 cm.  
*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*  
**Summary:** Weinberger arranges with Content, the prosecuting attorney, to prepare the official record in Goldman and Berkman's anti-conscription trial for the Supreme Court printers.  
**Notes:** Broken type. For reply, see 850712145.

August 14th, 1917

Harold A. Content, Esq.,  
c/o District Attorney's Office,  
Post-Office Bldg.,  
New York City.

In re: U.S. v. Alexander Berkman  
and Emma Goldman.

Dear Sir:-

I saw Mr. Roosa in reference to the case on appeal and the printing of exhibits, and he stated that your office always stipulates as to the record and the exhibits and that you are the only one, of course, that can decide what exhibits are necessary. This, of course, is practically the same statement you made to me except that you added that you desired to see the record itself. I will probably have the record this afternoon or tomorrow with the bill of exceptions.

Will you kindly write me as to when we can get together and stipulate as to what shall be in the record. I desire to have all the papers sent down by the Clerk as soon as possible to Washington to have printed.

Thanking you, I am

Yours very truly,



# The Emma Goldman Papers

[Letter] 1917 Aug. 15, Chicago [to William H. Lamar] Solicitor, Post Office Department, Washington, D.C. / W.B. Carlile, Postmaster, Post Office [Department]. — 1 p. ; 34 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: The Chicago postmaster asks Lamar whether the July 1917 issue of *Mother Earth* is mailable.

Notes: For reply, see 810128108.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

J.H.G.  
MAILING DIVISION

## United States Post Office

CHICAGO, ILLINOIS

OFFICE OF SUPERINTENDENT OF MAILS

IN YOUR REPLY PLEASE REFER TO  
DATE, INITIAL, AND NUMBER  
H:JC



August 15, 1917.

The Solicitor,  
Post Office Department,  
Washington, D.C.

The accompanying copy of "Mother Earth," has been withdrawn from the mails here, and is submitted to your office for an opinion as to mailability under section 481½, Postal Laws and Regulations. Attention is invited especially to the last item on last page, entitled "To Our Subscribers," in which reference is made to the June issue interdicted transmission in the mails by the department, and to the express service as a possible means of conveyance for this publication.

W.B. Carlile  
Postmaster.

Encl

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## The Emma Goldman Papers

[Letter] 1917 Aug. 15, Washington, D.C. [to] Harry Weinberger, New York / James D. Maher, Clerk, United States Supreme Court. — 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** The Supreme Court clerk sends Goldman and Berkman's bonds, signed by Justice Brandeis, back to Weinberger so he can file them with the District Court.

**Notes:** For related documents, see 850712460 and 850712461.

OFFICE OF THE CLERK,  
Supreme Court of the United States,  
Washington, D.C.

August 15, 1917.

Harry Weinberger, Esq.,  
New York City.

Dear Sir:-

I have today received from Mr. Justice Brandeis the bonds in the cases of The United States v. Morris Becker et al., United States v. Emma Goldman et al., and United States v. Louis Kramer, bearing his approval, and I enclose them herewith. These bonds should be filed in the office of the clerk of the lower court and copies inserted in the transcripts of record when they are sent forward.

Yours truly,

JAMES D. MAHER, Clerk.

TFD.

By  Ass't.

1 enclosure.

# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman, et al., Chicago, 1917 Aug. 15 / H[inton] G. Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Clabaugh forwards a list of Goldman's scheduled meetings in Chicago for August 1917, supplied by a confidential informant.

**Notes:** Broken type. For enclosures, see 880603094 and 880603095.

REPORT MADE BY: H.G. Clabaugh.	PLACE WHERE MADE: Chicago	DATE WHEN MADE: Aug. 15, 17	PERIOD FOR WHICH MADE: Aug. 15, 17
-----------------------------------	------------------------------	--------------------------------	---------------------------------------

TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:

In re: Emma Goldman, et al.

STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

At Chicago, Illinois.

Confidential informant working in conjunction with this office and the Chief of Police reports under date of August 9, 1917, as follows:

"The Int. group meets tomorrow at 1408 Irving Ave. I'll be there. The following are the Emma Goldman meetings.

Friday, Aug. 24th at East End hall  
 Sunday morning, Aug. 26th at Pine Arts  
 Wednesday at West Side Auditorium

Enclosed are the circulars they distribute."

The circulars referred to above are attached to the original of this report.

COPIES OF THIS REPORT FURNISHED TO:

Chicago office

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**EXPLANATORY NOTE**  
**EMMA GOLDMAN v. NEW YORK PRODUCE EXCHANGE**  
**BANK, AUGUST 16, 1917**

---

Following Goldman and Berkman's trial and conviction, United States Attorney Francis Caffey directed Marshal McCarthy to seize the money in both Goldman and Berkman's savings accounts at the New York Produce Exchange Bank and to apply the money as partial payment of their fines of ten thousand dollars each.

On August 16, 1917, Harry Weinberger sued the bank in New York Municipal Court to get the money back. In its answer, filed on August 22, 1917, the bank defended the Marshal's actions and argued that it had to obey the Marshal's order.

In an unreported decision on September 25, 1917, the judge ruled in favor of Goldman and Berkman and the bank returned the money. The bank's attorneys, Reeves & Todd, tried unsuccessfully in November 1917 to force the government to reimburse them.

The court documents for *Goldman v. New York Produce Exchange Bank* come from the Weinberger Collection at the Yale University Library. Documents from the companion case, *Berkman v. New York Produce Exchange Bank*, are virtually identical and are not included in the collection.



# The Emma Goldman Papers

850827048

Emma Goldman [v.] New York Produce Exchange Bank: Summons, 1917 Aug. 16 / Harry Weinberger. — 1 p. ; 28 x 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Weinberger notifies the New York Produce Exchange Bank that he has filed a complaint against it on Goldman's behalf.  
Notes: Upper document only. Weinberger's office copy with handwritten corrections. Enclosed with 850827049 and 850827050. Bracketed date assigned by Yale University Library.

Royal Stationery Co., Inc., Printers and Law Blank Publishers 129-133 Fulton Street New York

[1917 Aug 12]

## Municipal Court of the City of New York BOROUGH OF MANHATTAN: FIRST DISTRICT.

EMMA GOLDMAN,

Plaintiff

against

NEW YORK PRODUCE EXCHANGE BANK,

Defendant

### SUMMONS

To the above-named Defendant :

YOU ARE HEREBY SUMMONED to appear in this action, in the Municipal Court of the City of New York, Borough of Manhattan, First District, before the Clerk of the said Court at his office at 146 Grand Street, in the Borough of Manhattan, in the City of New York, within five days after the service of this summons upon you, exclusive of the day of service, and to make answer to the complaint; and if you fail to make answer, judgment will be taken against you for the sum of \$ 329.13 , with interest thereon from the 12th day of August, 1917 , together with the costs of this action.

Dated, New York City, the 16th day of August, 1917

HARRY WEINBERGER,

Attorney for Plaintiff

business  
Plaintiff's address  
226 Lafayette Street,  
New York City.

Office and Post Office Address 261 Broadway.  
Borough of Manhattan, City of New York.

Defendants Address 10 Broadway

admitted

" 3

denied on  
information  
the Chief

SECOND:- That on or about the 12th day of July, 1917, defendant was indebted to the plaintiff in the sum of Three hundred twenty-nine and 13/100 (\$329.13) Dollars, being a balance due upon account for money had and received by said defendant, and on deposit for the plaintiff with said defendant.

THIRD:- That on or about the 12th day of July, 1917, plaintiff duly demanded said sum of three hundred twenty-nine and 13/100 (\$329.13) Dollars from said defendant, but that defendant refused to pay the same.

THEREFORE, plaintiff demands judgment against the

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The Emma Goldman Papers

850827049

Emma Goldman [v.] New York Produce Exchange Bank: [Complaint, 1917 Aug. 7 16?] / Harry Weinberger. — 1 p. ; 33 x 22 cm.  
Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.  
Summary: Goldman sues the New York Produce Exchange Bank for the amount of her account, which the bank paid to the United States marshal to cover part of her criminal fine.  
Notes: Weinberger notes bank's answer in margin. For answer, see 850827053. Enclosed with 850827048 and 850827050.

Fol. 1.

MUNICIPAL COURT OF THE CITY OF NEW YORK,  
BOROUGH OF MANHATTAN: FIRST DISTRICT.

-----X  
EMMA GOLDMAN,

Plaintiff,

-against-

NEW YORK PRODUCE EXCHANGE BANK,

Defendant.  
-----X

Plaintiff complaining of the defendant, by her attorney  
HARRY WEINBERGER, alleges:-

" 2  
FIRST:- That at all times hereinafter mentioned the  
defendant was and now is a domestic corporation, duly in-  
corporated under the laws of the State of New York, and en-  
gaged in the business of banking at the City of New York,  
with a branch at 116th Street and Third Avenue, New York City

admitted  
" 3  
SECOND:- That on or about the 12th day of July, 1917,  
defendant was indebted to the plaintiff in the sum of Three  
hundred twenty-nine and 13/100 (\$329.13) Dollars, being a  
balance due upon account for money had and received by said  
defendant, and on deposit for the plaintiff with said defen-  
dant.

denied on  
information  
the chief  
THIRD:- That on or about the 12th day of July, 1917,  
plaintiff duly demanded said sum of three hundred twenty-nine  
and 13/100 (\$329.13) Dollars from said defendant, but that  
defendant refused to pay the same.

WHEREFORE, plaintiff demands judgment against the  
defendant for the sum of Three hundred twenty-nine and  
13/100 (\$329.13) Dollars, with interest from the 12th day  
of July, 1917, besides the costs and disbursements of this  
action.

HARRY WEINBERGER,  
Attorney for Plaintiff,  
Office & P. O. Address,  
261 Broadway,  
Borough of Manhattan,  
City of New York.

# The Emma Goldman Papers

Emma Goldman [v.] New York Produce Exchange Bank: Summons and Complaint, 1917 [Aug.? 16? (cover page)] / Harry Weinberger. — 1 p. ; 22 × 19 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Notes: For enclosures, see 850827048 and 850827049.

## NOTICE OF ENTRY

Sir:—

Please take notice that the within is a true copy of a \_\_\_\_\_ this day duly filed and entered in the office of the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

## NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of \_\_\_\_\_ in the City of New York, on the \_\_\_\_\_ day of \_\_\_\_\_ 191

at \_\_\_\_\_ o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

CLERK'S INDEX NO. 21397 YEAR 1917

MUNICIPAL COURT CITY OF N.Y.  
BORO. OF MAN. FIRST DISTRICT.

EMMA GOLDMAN,

Plaintiff

against

NEW YORK PRODUCE EXCHANGE  
BANK,

Defendant

COPY

SUMMONS AND COMPLAINT.

**HARRY WEINBERGER**

ATTORNEY FOR Plaintiff,

Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

TO \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the within \_\_\_\_\_

is, hereby admitted.

Dated, N. Y., \_\_\_\_\_ 191

Attorney for \_\_\_\_\_

# The Emma Goldman Papers

[Letter] 1917 Aug. 16, New York [to] Harry Weinberger, New York / Harold A. Content, Assistant United States Attorney, Department of Justice. — 2 p. ; 28 × 28 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Content arranges to meet Weinberger to agree on the official trial record for Goldman and Berkman's Supreme Court appeal.

Notes: Two shots of three pages. Reply to 850712144.

Department of Justice

United States Attorney's Office

New York

August 16, 1917.

Harry Weinberger, Esq.,  
261 Broadway,  
New York, N.Y.

Sir, —

your favor of August 14, 1917 reached me to-day, having been forwarded from my office. I have all of the Government's exhibits listed and in order, and it will take but a brief moment to arrange them for the record. I believe that I am the only person who can properly do that job. I am still on my vacation, but expect to be back at my office on Monday morning, August 27, 1917. I have

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**Notes:** Two shots of three pages. Reply to 850712144.

Harold A. Contant  
Assistant United States Attorney

# The Emma Goldman Papers

[Letter] 1917 Aug. 16 [St. Louis, Mo. to] A. Bruce Bielaski, Chief, Bureau of Investigation, Department of Justice, Washington, D.C. / Edward [J.] Brennan, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 x 19 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Brennan notifies Bielaski that it was Ben Reitman who wrote to Berkman from Jefferson City in July.

Notes: Reply to 880603087.

*Just*

*6369*

RECEIVED  
 AUG 18 1917  
 BUREAU OF INVESTIGATION  
 DEPARTMENT OF JUSTICE

Aug. 16, 1917.

RE: DR. BEN REITMAN.

*15-446 a.*

MR. A. BRUCE BIELASKI,  
 Chief, Bureau of Investigation,  
 Department of Justice,  
 Washington, D. C.

Dear Sir:

Referring to previous correspondence regarding a telegram sent from Jefferson City, Mo. July 18th addressed to Alex Berkman, U. S. Federal Prison, Atlanta, Ga., signed "Ben", beg to advise from the information I have obtained from Jefferson City, Mo. that the person signing his name "Ben" is one Ben L. Reitman, M. D. This man left a card with the warden of the State Penitentiary at Jefferson City which reads as follows:

"Residence  
 3547 Ellis Ave.

Phone  
 Douglas 7371

BEN L. REITMAN, M.D.

709 National Life Bldg.,  
 20 So. La Salle St.,  
 Central 3081 Chicago, Ill.

Very truly yours,

*Edward J. Brennan*  
 Special Agent in Charge

RJB/DD

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666

# The Emma Goldman Papers

[Letter] 1917 Aug. 16 [New York to] H[inton] G. Clabaugh, Division Superintendent [Bureau of Investigation, Department of Justice], Chicago / W[illiam] M. Offley, Division Superintendent [Bureau of Investigation, Department of Justice]. — 1 p. ; 26 × 19 cm.  
*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Offley sends Clabaugh a letter from Ben Levin to the No Conscription League, seized from the *Mother Earth* offices at the time of Goldman's arrest.

**Notes:** Dark copy. For Tucker report mentioned, see 880603052.

15446

COPY FOR CHIEF OF BUREAU.

August 16, 1917.

H.G. Clabaugh, Esq.,  
 Division Superintendent,  
 Box 455,  
 Chicago, Illinois.

Dear Sir:

Referring to your recent request, I enclose herewith original letter addressed by Ben Levin to, 1652 Harrison Street, Chicago, Illinois, under date of May 29, 1917, to the No Conscription League of this city, mentioned in the report of Agent Tucker for June 29, 1917, in the case of the United States vs. Emma Goldman and Alexander Berkman.

Very truly yours,

WM. M. OFFLEY

Division Superintendent.

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667

# The Emma Goldman Papers

[Letter] 1917 Aug. 16, New York [to] John W. Davis, Solicitor General, Department of Justice, Washington, D.C. / Francis G. Caffey, United States Attorney, Department of Justice. — 2 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey refused to go along with Harry Weinberger's request for an extension of time to file the trial record with the Supreme Court. Caffey requests the solicitor general's opinion and instructions.

Notes: Handwritten postscript by Davis. For reply, see 810113290. For stipulation mentioned, see 850806210.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

*Record & return*

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

Department of Justice

United States Attorney's Office

15385

New York

August 16, 1917.

Hon. John W. Davis,  
Solicitor General, Department of Justice,  
Washington, D. C.

Sir:

On the 15th instant, Harry Weinberger, Esq., attorney for plaintiffs in error in the case of United States v. Emma Goldman and Alexander Berkman, now pending in the Supreme Court, presented to me a proposed stipulation extending his time to file the record in the Supreme Court to October 1 next. I declined to sign the stipulation and referred him to you. He has since stated that he will make a motion to the District Court here for an extension of time which he will serve on me. If this motion is made, I shall urge that the District Court has no power to pass on it; also that notice of such a motion must be served on you if the motion is entertained. I have not yet had opportunity to examine the authorities. My impression is that under the State practice here, it has been held that the jurisdiction to pass upon a question of this kind is in the lower court.

Mr. Weinberger may move merely for an extension of time in which to serve his proposed bill of exceptions. That would perhaps raise a different question from the one which would arise if his

U.S. 23 1917

186233-13-25  
AUG 23 A.M.  
SOLICITOR GENERAL

668



## The Emma Goldman Papers

810113289

[Letter] 1917 Aug. 16, New York [to] John W. Davis, Solicitor General, Department of Justice, Washington, D.C. / Francis G. Caffey, United States Attorney, Department of Justice. — 2 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey refused to go along with Harry Weinberger's request for an extension of time to file the trial record with the Supreme Court. Caffey requests the solicitor general's opinion and instructions.

Notes: Handwritten postscript by Davis. For reply, see 810113290. For stipulation mentioned, see 850806210.

COPY

from  
THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

-2-

motion is for extension of time to file the appeal papers. An order of the District Court extending time to file the record on appeal would apparently contravene the order of Mr. Justice Brandeis of July 19th, which limited the period for filing the record to thirty days.

It is not improbable that the notice of motion may be given by an order to show cause, returnable on the 17th instant. In view of that fact, if you have any instructions or suggestions, please communicate them to me promptly.

Respectfully,

*Francis G. Caffey*

United States Attorney.

*Answered by phone & personal  
conference. See letter Aug. 17, 1917 to  
Col. Caffey.*

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# The Emma Goldman Papers

[Letter] 1917 Aug. 17 [Washington, D.C. to] Francis G. Caffey, United States Attorney [Department of Justice], New York / [John W. Davis] Solicitor General [Department of Justice]. — 1 p. ; 33 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Davis advises Caffey that he has stipulated for an extension of time in Goldman's appeal, at Harry Weinberger's request. He expects the case will ultimately proceed faster this way.

Notes: Reply to 810113289. For reply, see 810113291.

COPY

from

THE NATIONAL ARCHIVES

Record Group No. 60

Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

SG-WJH-LJB

186233-13

Aug. 17, 1917.

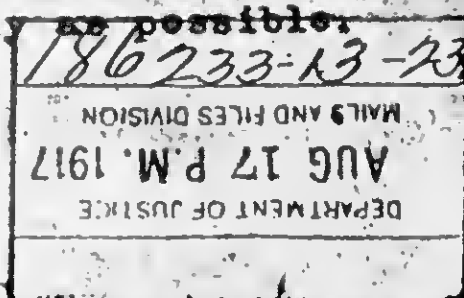
Francis G. Caffey, Esq.,  
United States Attorney,  
New York, N. Y.

Sir:

I have today entered into stipulations in the cases of Goldman and Berkman v. The United States, Kramer v. The United States, and Kramer and Becker v. The United States, to enlarge the time for filing the respective transcripts to September 15, 1917. Copies of these stipulations will be handed to you by Mr. Herbert Cohen, of Mr. Weinberger's office, on Monday next. These stipulations have been entered into on the express promise and understanding that the cases will be docketed in the Supreme Court not later than the date mentioned, and that the records will be printed immediately thereafter. It is believed that this arrangement will result in the expedition of the cases. The necessity for entering into the stipulations, I understand, arises from the fact that members of your office force, who have had to do with the cases, are absent, and it is desired to stipulate for the elimination of certain portions of the records. I shall be glad if you will cooperate with opposing counsel in getting the records into definite shape as promptly as possible.

Respectfully,

Solicitor General.



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## The Emma Goldman Papers

Goldman & Berkman v. United States: Stipulation, 1917 Aug. 17 [to extend time to file transcript] / J[ohn] W. Davis, Solicitor General [Department of Justice and] Harry Weinberger. — 2 p. ; 28 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger and Davis agree to extend the time allowed to file the official trial record in Goldman's Supreme Court appeal.

Notes: For related documents, see 810113289 and 810113290.

### IN THE SUPREME COURT OF THE UNITED STATES

October Term 1916.

- - -

Emma Goldman & Alexander Berkman,  
Plaintiffs in Error,  
v.  
The United States.

### STIPULATION TO ENLARGE TIME FOR FILING OF TRANSCRIPT.

It is hereby stipulated by counsel for the parties to the above-entitled cause that the time for filing, in the Supreme Court, the transcript of the record therein shall be extended to September 15, 1917, inclusive.

*Jno. W. Davis*  
Solicitor General.

*Harry Weinberger*  
Counsel for Plaintiffs in Error.

Aug. 17, 1917.

# The Emma Goldman Papers

Goldman & Berkman v. United States: Stipulation, 1917 Aug. 17 [to extend time to file transcript] / J[ohn] W. Davis, Solicitor General [Department of Justice and] Harry Weinberger.— 2 p.; 28 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: Weinberger and Davis agree to extend the time allowed to file the official trial record in Goldman's Supreme Court appeal.

Notes: For related documents, see 810113289 and 810113290.

## NOTICE OF ENTRY

Sir:—

Please take notice that the within is a true copy of a \_\_\_\_\_ this day duly filed and entered in the office of the Clerk of the \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_  
Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

## NOTICE OF SETTLEMENT.

Sir:—

Please take notice that an order of which the within is a true copy, will be presented for settlement and entry herein to Mr. Justice \_\_\_\_\_

at \_\_\_\_\_ of this Court at \_\_\_\_\_

\_\_\_\_\_ in the Borough of \_\_\_\_\_ in the City of New York, on the \_\_\_\_\_ day of \_\_\_\_\_ 191

at \_\_\_\_\_ o'clock, in the forenoon or as soon thereafter as Counsel can be heard.

Dated, N. Y., \_\_\_\_\_ 191

Yours, &c.,

**HARRY WEINBERGER**

ATTORNEY FOR \_\_\_\_\_  
Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

CLERK'S INDEX NO.

YEAR

UNITED STATES SUPREME COURT.

EMMA GOLDMAN and ALEXANDER BERKMAN,

Plaintiffs

in-error,

against

THE UNITED STATES,

Defendant  
in-error.

ORIGINAL

S T I P U L A T I O N.

**HARRY WEINBERGER**

Plaintiffs-in-error,  
ATTORNEY FOR \_\_\_\_\_  
Office and Post Office Address

261 BROADWAY

Borough of Manhattan New York City

To \_\_\_\_\_ Esq.

ATTORNEY FOR \_\_\_\_\_

Due and timely service of a copy of the within \_\_\_\_\_

is, hereby admitted \_\_\_\_\_

Dated, N. Y., \_\_\_\_\_

Attorney for \_\_\_\_\_

RECEIVED

ATTORNEYS OF



# The Emma Goldman Papers

850712511

[Letter] 1917 Aug. 18, Washington [D.C. to] Harry Weinberger, New York / Grant Crosby, Assistant Secretary [of the Treasury] Treasury Department. — 1 p. ; 28 × 22 cm.  
*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*  
**Summary:** The assistant secretary of the treasury explains that bail is a question for the courts to decide.  
**Notes:** Reply to 850712510. For reply, see 850712512.



ASSISTANT SECRETARY

TREASURY DEPARTMENT

Washington.

August 18, 1917.

Mr. Harry Weinberger  
Counselor at Law  
261 Broadway  
New York, N. Y.

Dear Sir:

Answering, on behalf of the Secretary of the Treasury,  
your letter of the sixth instant addressed to him, asking  
whether the United States courts should or should not receive  
Liberty bonds as bail, I beg to state that this is a judicial  
question concerning which the Treasury Department cannot pro-  
perly make a ruling.

Very truly yours,

Assistant Secretary.

673

# The Emma Goldman Papers

Daily Report of Agent, Secret Service, New York District, 1917 Aug. 18 [excerpt] / John J. Henry, Operative in Charge, Secret Service, Treasury Department. — 5 p.; 23 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 87.

Summary: Wright reports that Jesse J. Kramer claimed to be a Secret Service agent who had arrested Goldman and Berkman. Kramer's fellow employees thought he was an anarchist.

Notes: Dark copy; barely legible.

TREASURY DEPARTMENT.  
U. S. DEPT. OF THE TREASURY

DAILY REPORT OF AGENT.

193

United States Secret Service,

New York District.

The Chief,

United States Secret Service,

Treasury Department.

Sir:

I have the honor to submit the following, my report as Operative of this District, for Friday the 17th day of August 1917, written at New York, N. Y., and completed at 3 o'clock P. M. on the 18th day of August, 1917.

In New York, N. Y.

Office 9 a.m.; agents Manasse, Connolly, Lavanagh, Adams and Sturgill here; agents Rubano and Carpenter on waiting orders, agent Rich on leave of absence; agents Blalock and Landvoigt at Washington, D. C.; agents Burke, Houghton, Howell, Garvey, Palma, Weitzman, Francisco, W. W. Flynn, Johnson and McKay and Hughes on special investigation under direction of Chief.

Mail consisted of eight letters; four from Office of Chief; first and second contained returned letters and inventories; third, enclosing letter dated New York city, August 14th, 1917, from The Signal Store, 4200 Fifth Avenue, addressed to

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674

# The Emma Goldman Papers

Daily Report of Agent, Secret Service, New York District, 1917 Aug. 18 [excerpt] / John J. Henry, Operative in Charge, Secret Service, Treasury Department. — 5 p.; 23 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 87.

Summary: Wright reports that Jesse J. Kramer claimed to be a Secret Service agent who had arrested Goldman and Berkman. Kramer's fellow employees thought he was an anarchist.

Notes: Dark copy; barely legible.

-8-

200

advertisement inserted in your paper, regarding an organization known as the U. S. Vigilantes, and your request for information as to whether we recognize them in their operations, or know anything of them officially or unofficially; in reply I would state that this office does not know anything about this organization, but if they should furnish us, either as an organization or as individuals, with information that required the attention of this office, it would be investigated, if the subject matter of such information came under our control.

Respectfully,

I was engaged at the office until 5 p.m. when I discontinued.

.....

Operative Rubano reports for Friday, August 17th.

On waiting orders.

Operative Connolly reports for Friday, August 17th.

In New York, N. Y. and Jersey City, N. J.

Office 9 a.m. and here engaged until 10:45 a.m., then as instructed left for the Third Precinct station, Oakland Avenue, Jersey City, N. J., to see Captain Lee and was informed he could be found at his home, #213 Academy street; I went there and he stated he was informed by John Duthie, foreman in the galvanizing shop, roundhouse at the passenger yards of the Penn. B. B. Co., Waldo Avenue, that Jesse J. Kramer, (not Turner), a Hebrew, who had previously

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675

# The Emma Goldman Papers

Daily Report of Agent, Secret Service, New York District, 1917 Aug. 18 [excerpt] / John J. Henry, Operative in Charge, Secret Service, Treasury Department. — 5 p. ; 23 × 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 87.

Summary: Wright reports that Jesse J. Kramer claimed to be a Secret Service agent who had arrested Goldman and Berkman. Kramer's fellow employees thought he was an anarchist.

Notes: Dark copy; barely legible.

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201

been employed in the office there; called on him about ten days ago and in a general conversation stated he was working under the direction of Chief Flynn, of the U. S. Secret Service; Capt. Lee suggested that I call and see Mr. Duthee at the roundhouse as he would be able to give me more information; I went there and learned that Duthee was at lunch so I saw C. H. Reed, Chief Clerk in the General Foreman's office, who stated he had not seen Kramer when he called but Duthee had told him all he knew about Kramer; he described Kramer as being about 28 years old, 6 ft. in height, weight about 150 pounds, American Retrow, wearing a Charley Chaplin moustache; stated he had been employed there as a temporary clerk from January 16th to February 5th, 1917, and gave his address as #672 St. Nicholas Avenue, New York city; on August 7th, 1917, he visited the office and yards and told the men he was a Secret Service agent, working under the direction of Chief Flynn; that he had personally arrested Goldman and Berkman after following them all over the country and that he was after elackers; he displayed a loaded revolver and emptied the cartridges on the floor, also showed an identification card; in his conversation he was very pro-German; they thought he was an anarchist as he was always upholding the social theory and always speaking disrespectfully of the United

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# The Emma Goldman Papers

Daily Report of Agent, Secret Service, New York District, 1917 Aug. 18 [excerpt] / John J. Henry, Operative in Charge, Secret Service, Treasury Department. — 5 p.; 23 x 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 87.

Summary: Wright reports that Jesse J. Kramer claimed to be a Secret Service agent who had arrested Goldman and Berkman. Kramer's fellow employees thought he was an anarchist.

Notes: Dark copy; barely legible.

-10-

204  
 stated, saying he hoped Germany would win the war; the man came very near assaulting him; I left an office card and requested that if he paid them another visit to detain him and communicate with you by phone; Mr. Read also stated that while there he came to their office and phoned to Broad 6014, and explained to them that was the phone number of his office in the Custom House, New York city; I returned to the office at 2:45 p.m. and here engaged until 5 p.m. when I discontinued.

Operative Haverstick reports for Friday, August 17th.

In New York, N. Y.

Office 9 a.m. and here engaged until 10:30 a.m., then as instructed left and called at the Hotel Martinique, 13rd street and Broadway, and saw Mr. Chandler, who gave me some information on neutrality matters; I immediately called you at 11:30 a.m. and you told me to await instructions; at 11:45 a.m. I phoned again and was connected with agent Burke and gave him the information I had received I then went to 2551 Broadway, office of the Cadillac Auto Co., and saw Mr. Fill, who informed there was no such company as the Durant Motor Company, but Mr. W. C. Durant was President of the General Motors Corp.; at 3:25 p.m. I phoned

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# The Emma Goldman Papers

Daily Report of Agent, Secret Service, New York District, 1917 Aug. 18 [excerpt] /  
John J. Henry, Operative in Charge, Secret Service, Treasury Department. —  
5 p. ; 23 x 18 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 87.

Summary: Wright reports that Jesse J. Kramer claimed to be a Secret Service agent who had arrested Goldman and Berkman. Kramer's fellow employees thought he was an anarchist.

Notes: Dark copy; barely legible.

-14-

206  
Operative Adams' charges for August 17th.  
Services - - - - - 8.00  
Assistant Operative Carpenter's charges for August 17th.  
Services - - - - - 4.00  
Assistant Operative Sturgill's charges for August 17th.  
Incidentals - car fares - - - - - .10  
Services - - - - - 4.00  
Services - - self - - - - - 9.00

Respectfully submitted,

*John J. Henry*  
Operative in Charge

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678

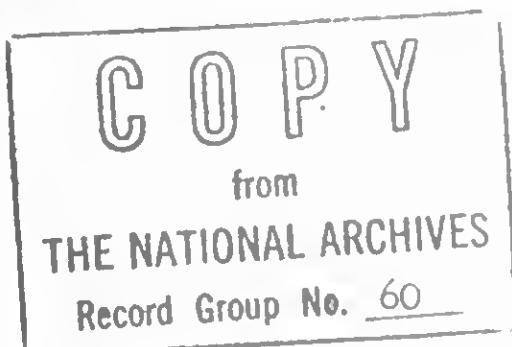
# The Emma Goldman Papers

[Letter] 1917 Aug. 22, New York [to] John W. Davis, Solicitor General [Department of Justice], Washington, D.C. / Francis G. Caffey, U[nited] S[tates] Attorney, Department of Justice. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 60.

Summary: Caffey agrees to cooperate with Harry Weinberger in the Goldman appeal at the solicitor general's request.

Notes: Reply to 810113290.



Records of the Department of Justice  
Central File Number 186233-13 (Section 1)

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

EMB ✓ H H-

15385-15313

Department of Justice

United States Attorney's Office

New York

McK.

August 22, 1917

Hon. John W. Davis.

Solicitor General, Washington, D. C.

Sir :

I have the honor to acknowledge receipt of your letter of August 17, 1917, informing me of the stipulation made by you with Mr. Weinberger in the Goldman and Berkman, Kramer and Becker cases. In accordance with your instructions, I shall co-operate with opposing counsel in getting the records in definite shape as promptly as possible.

Respectfully,

*Francis G. Caffey*

U.S. Attorney.

186233-13-26  
file

AUG 28 1917

186233-13-26  
AUG 27 A.M. 1917  
RECEIVED

679

# The Emma Goldman Papers

[Letter] 1917 Aug. 22, San Francisco [to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W.I. Madeira, Acting Inspector in Charge, Post Office Department. — 2 p. ; 25 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Madeira sends the chief postal inspector a copy of Goldman's fundraising letter for *Mother Earth*, including a list of articles in the July 1917 issue available by express mail.

Notes: For enclosures, see 870217005, 870217006, 870313001 and 870313002.

SUBJECT: NEW YORK, N. Y. Emma Goldman, disloyal and anarchist literature.

CASE No.

SAN FRANCISCO DIVISION

Arizona  
California  
Hawaii  
Nevada

15446  
Post Office Department

S. W. Morse,

Inspector in Charge

ROOM - V

OFFICE OF THE INSPECTOR IN CHARGE

SAN FRANCISCO, CAL. August 22, 1917.

Chief Inspector.

Attention is invited to the enclosed ordinary letter mailed at New York City, August 1, 1917, by the Mother Earth Publishing Association, Room 204, 227 Lafayette Street, New York City, addressed to Dr. A. S. Green, 531 - 9th Ave., Long Beach, California, which was referred to this office for appropriate attention. The letter contains printed subscription blanks for the Emma Goldman-Alexander Berkman Defense Fund, a list of contents of articles contained in the July issue of Mother Earth, which was held up by the post office department, and a printed circular letter signed by Emma Goldman reading as follows:

"In the cyclorama of the American struggle for liberty Mother Earth has been fated to play an important part. Ever since the first edition, March, 1906, our magazine has strived faithfully to be a voice crying out against tyranny, injustice and oppression, wherever it has existed. Every issue has been an anti-military number. Now Mother Earth is in danger of dying, and I sincerely appeal to you to help me maintain our magazine.

You know the story of what the authorities have done in New York -- how they suppressed the June issue of Mother Earth; how they raided our offices; confiscated our literature; arrested Alexander Berkman and myself; how after a farcical trial they gave us the extreme penalty, two years penal servitude, \$10,000 fine each, and deportation. The complete story is told in the July issue of Mother Earth which has been sent to you.

After two weeks' incarceration in the Jefferson City, Mo. penitentiary, I was brought back to New York City and admitted to \$25,000 cash bail, pending an appeal to the Supreme Court.

Alexander Berkman, Morris Becker and Louis Kramer were also returned to New York pending the appeal. Berkman's case is further complicated by the fact that the Chamber of Commerce of San Francisco, through their henchman, the District Attorney, in order to screen their criminal tactics, furious over their failure to put over the frame-up against Rena Mooney, are now attempting to railroad Alexander Berkman. They have issued a warrant for his arrest and will attempt to extradite him. If they are successful, he will share the fate of Tom Mooney and

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# The Emma Goldman Papers

[Letter] 1917 Aug. 22, San Francisco [to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W.I. Madeira, Acting Inspector in Charge, Post Office Department. — 2 p. ; 25 x 19 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 65.*

**Summary:** Madeira sends the chief postal inspector a copy of Goldman's fundraising letter for *Mother Earth*, including a list of articles in the July 1917 issue available by express mail.

**Notes:** For enclosures, see 870217005, 870217006, 870313001 and 870313002.

Page 2.

Warren Billings.

Friends, in these perilous times, do you want Mother Earth to live? If so, renew your subscription and send us a contribution towards the maintenance fund.

We have only sixty days to make the appeal. This means that the complete transcript of the papers of the trial must be printed and put into the hands of the Supreme Court of the United States. The printing alone will cost \$2,000. The outcome of the appeal will depend on how much we can arouse the liberty-loving element of this country. To succeed in this we need the widest kind of publicity, which will require a substantial fund. If our friends want to save us from serving these terrible sentences, they will come to our rescue at once.

For twenty-seven years, I have, as you know, never appealed for personal assistance. Now, the result will be graver than the mere question of my personal liberty, and the result of an appeal will affect the fate of hundreds of men and women who are in jail for opposing the draft. Send us your contribution at once. Make it as large as possible. Don't think because I am out of jail temporarily on bail that I am safe. If you believe in my work, you will support me to the best of your ability. I am enclosing a subscription blank. Will you circulate it among your friends? Let me hear from you at once. There is no time to lose.

Fraternaly,

(Signed) Emma Goldman."

"Make checks payable to N.E. Fitzgerald."

*W.I. Madeira*  
Acting Inspector in Charge.

Copy to: Mr. Don S. Rathbun,  
Chief Special Agent,  
Dept. of Justice,  
San Francisco, Cal.

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# The Emma Goldman Papers

810128114

[Letter] 1917 Aug. 22, San Francisco [to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W.I. Madeira, Acting Inspector in Charge, Post Office Department. — 2 p. ; 25 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Madeira sends the chief postal inspector a letter and enclosures from Reitman to a potential *Mother Earth* subscriber.

Notes: Broken type. For enclosures, see 870217006 through 870217009, 870313000, and 870313001.

SUBJECT: NEW YORK, N. Y. anarchist literature etc.

CASE No.

SAN FRANCISCO DIVISION

## Post Office Department

Arizona  
California  
Hawaii  
Nevada

S. H. Morse,  
Inspector in Charge  
RML-Y

OFFICE OF THE INSPECTOR IN CHARGE

SAN FRANCISCO, CAL. August 22, 1917.

Chief Inspector.

Attention is invited to the enclosed ordinary letter mailed, August 13, 1917, by the Mother Earth Publishing Association, Room 204, 226 Lafayette Street, New York City, addressed to Sol Zimmer, 427 Colorado Ave., Long Beach, California, which was submitted to this office for appropriate attention. The letter contains a price list of anarchist literature for sale by the Mother Earth Publishing Association, printed subscription blanks for contributions to the Emma Goldman-Alexander Berkman Defense Fund, and a printed circular appealing for funds for the defense of Alexander Berkman, issued by the New York Publicity Committee of the Alexander Berkman defense fund.

The names of the New York publicity committee being as follows:

Alex. Cohen, Sec'y-Treas. New York Joint Board Amalgamated Clothing Workers of America  
J. Abrams, Organizer, International Brotherhood of Bookbinders  
Frank Cancelleri, Italian Representative of Children's Clothing Joint Board  
Max Pine, Sec'y-Treas. United Hebrew Trades  
The Joint Board of Cloak & Skirt Makers Union of New York - will back the fight to the limit and started the fund with \$500  
M. Feinstein, Asst. Sec'y of the United Hebrew Trades  
Max Eastman, Editor *Lassus*  
Boardman Robinson, Artist  
Leonard D. Abbott, Writer and Editor  
Dr. A.L. Goldwater  
Jessie Ashley, Attorney  
Emma Goldman, Author and Lecturer  
M. Eleanor Fitzgerald, Associate Worker of THE BLAST  
H. M. Kelly, Writer  
Waldo Frank, of Seven Arts Magazine  
Henrietta Rodman, Teacher  
Margaret H. Sanger, Lecturer and Author

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# The Emma Goldman Papers

810128114

[Letter] 1917 Aug. 22, San Francisco [to George M. Sutton] Chief Inspector [Post Office Department, Washington, D.C.] / W.I. Madeira, Acting Inspector in Charge, Post Office Department. — 2 p. ; 25 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Madeira sends the chief postal inspector a letter and enclosures from Reitman to a potential *Mother Earth* subscriber.

Notes: Broken type. For enclosures, see 870217006 through 870217009, 870313000, and 870313001.

Page 2.

Martha Gruening, Writer  
Edna Kenton, Writer  
Dr. I. Ginsberg  
Rosa Maria Spanier, Sec'y Workmen's Council  
Helen Boardman, Psychological Research Worker  
Randall Davoy  
Ida Rauh  
Katherine Lockie  
Robert Henri  
George Bellows  
Anna Stirling.

Also enclosed typewritten letter reading as follows:

"We are glad to have your letter and a copy of "Mother Earth" was sent you. We hope you will be interested to subscribe. The price is \$1.00 per year, but if you will send us \$1.50 and 15 cents postage we will send you either a copy of Alexander Berkman's book "The Prison Memoirs of an Anarchist" or Emma Goldman's "The Social Significance of the Modern Drama."

We are enclosing you a letter which Miss Goldman has been sending to all of her friends and hope it will interest you.

With best wishes, we are yours for a better world,

(Signed) Reitman."

The above quoted letter is evidently signed by Ben L. Reitman, a notorious anarchist and member of the Emma Goldman group of anarchists who have been connected with "The Blast" and the "Mother Earth" publications at San Francisco and New York.

*W.I. Madeira*  
Acting Inspector in Charge.

Copy to: Mr. Don S. Rathbun,  
Chief Special Agent,  
Dept. of Justice,  
San Francisco, Cal.

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# The Emma Goldman Papers

Emma Goldman [v.] New York Produce Exchange Bank: [Answer] 1917 Aug. 22 / Reeves & Todd. — 4 p. ; 34 x 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: The attorneys for the New York Produce Exchange Bank argue that the bank legally paid Goldman's money to the United States marshal.

Notes: Broken type. Enclosed with 850827054. Reply to complaint, 850827049.

[Aug. 22, 1917]

Fol. 1. MUNICIPAL COURT OF THE CITY OF NEW YORK,  
BOROUGH OF MANHATTAN, FIRST DISTRICT.

----- x  
EMMA GOLDMAN, :  
Plaintiff, :  
-against- :  
NEW YORK PRODUCE EXCHANGE BANK, :  
Defendant. :  
----- x

" 2.

The defendant, by Reeves & Todd, its attorneys,  
answers the complaint of the plaintiff herein as follows:

FIRST: It admits the allegations contained in  
paragraphs numbered First and Second therein of the said  
complaint.

SECOND: Upon information and belief, it denies  
each and every allegation contained in the paragraph of  
the complaint marked Third.

" 3.

FOR A DEFENSE DEFENDANT ALLEGES UPON INFORMATION  
AND BELIEF:

THIRD: That in a certain criminal action be-  
tween the United States of America, plaintiff, and Emma  
Goldman, defendant, lately conducted in the District Court  
of the United States for the Southern District of New  
York in the Second Circuit, the defendant therein was duly  
adjudged guilty of a felony and sentenced to imprisonment  
for a period of years in the Federal Prison at Atlanta,  
Georgia, and in addition thereto was fined the sum of



# The Emma Goldman Papers

Emma Goldman [v.] New York Produce Exchange Bank: [Answer] 1917 Aug. 22 / Reeves & Todd. — 4 p. ; 34 x 22 cm.

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Summary: The attorneys for the New York Produce Exchange Bank argue that the bank legally paid Goldman's money to the United States marshal.

Notes: Broken type. Enclosed with 850827054. Reply to complaint, 850827049.

- Fol. 4. \$10,000, as appears by the records filed in the Office of the Clerk of the said District Court in the Borough of Manhattan, New York City, on the 9th day of July, 1917. That by reason thereof, certain of the civil rights of this plaintiff were suspended, including among other things the right or power to prosecute an action at law in any of the Courts of this State, and that said judgment of conviction ever since the date of its rendition, to wit, the 9th day of July, 1917, has been and now is in full force and effect, by reason of which the right of the plaintiff to commence or
- " 5. prosecute this action is suspended.

FOURTH: That the said fine of \$10,000 remains unpaid and the United States Marshall of the Southern District of New York legally and by virtue of said judgment and unpaid fine, seized and took possession of the property and effects of this plaintiff on the 12th day of July, 1917, including the moneys on deposit with this defendant, as set forth in the complaint, and thereafter deposited the same with the Treasurer of the United States to be applied on

" 6. account of said fine of \$10,000, and although demanded, the said United States of America, declines and refuses to return the same, or any part thereof, to the plaintiff in this action or to this defendant.

FIFTH: That the said taking and seizure of said funds as aforesaid was pursuant to law and transferred to the United States of America the ownership of said funds, thereby fully paying and satisfying the claims of the plaintiff as set forth in the complaint in this action.

## The Emma Goldman Papers

Emma Goldman [v.] New York Produce Exchange Bank: [Answer] 1917 Aug. 22 / Reeves & Todd. — 4 p. ; 34 × 22 cm.

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**Summary:** The attorneys for the New York Produce Exchange Bank argue that the bank legally paid Goldman's money to the United States marshal.

**Notes:** Broken type. Enclosed with 850827054. Reply to complaint, 850827049.

Fol. 7.

W H E R E F O R E defendant demands judgment  
dismissing the complaint of the plaintiff herein with  
costs.

REEVES & TODD,  
Attorneys for Defendant,  
Office and Post Office Address,  
No. 165 Broadway,  
Borough of Manhattan,  
New York City.

" 8.

" 9.

# The Emma Goldman Papers

Emma Goldman [v.] New York Produce Exchange Bank: [Answer] 1917 Aug. 22 / Reeves & Todd. — 4 p. ; 34 × 22 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Summary: The attorneys for the New York Produce Exchange Bank argue that the bank legally paid Goldman's money to the United States marshal.

Notes: Broken type. Enclosed with 850827054. Reply to complaint, 850827049.

Fol. 10. STATE OF NEW YORK, :  
: SS:  
CITY AND COUNTY OF NEW YORK. :

THOMAS B. NICHOLS, being duly sworn, deposes  
and says: That the defendant herein is a New York corpora-  
tion and he is an officer thereof, to wit, its cashier;  
that he has read the foregoing Answer and knows the contents  
thereof and the same is true of his own knowledge, except  
as to the matters therein stated to be alleged upon informa-  
tion and belief, and as to those matters he believes it to  
be true.

" 11.

Sworn to before me this

22<sup>nd</sup> day of August, 1917. Thomas B. Nichols

H. W. Macomber

Notary Public Comm. expires March 31 - 1919

Kings County No. 194 - Register No 9037. Clk.

Filed in New York Co. No. 54. Register No. 9086.

" 12.

# The Emma Goldman Papers

880606000

[Letter] 1917 Aug. 23, San Francisco [to] E.M. Blanford, Special Agent in Charge [Bureau of Investigation, Department of Justice], Los Angeles / Don S. Rathbun, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 4 p. ; 24 x 19 cm. Obtained from the United States National Archives. Institutional Location: Record Group 65. Summary: Rathbun sends Blanford information on subversive literature sent from Mother Earth to Sol Zimmer and to Dr. A.S. Green in Long Beach, California. Notes: Dark copy. For original documents, see 810128113, 810128114, 870217005 through 870217009, 870313001 and 870313002.

15,446

AMA:ENS

San Francisco, August 23, 1917.

MR. E. M. BLANFORD,  
Special Agent in Charge,  
P.O. Box 694,  
Los Angeles, Calif.

Dear Sir:

The following communications were received from the Post Office Department, they being copies of letters sent by Post Office Inspector Acting in Charge, E. I. Madeira of San Francisco to the Chief Inspector of ~~New York~~ and as they affect the New York office as well as the Los Angeles office a copy of this letter is also sent to New York:

"Attention is invited to the enclosed ordinary letter mailed August 13, 1917, by the Mother Earth Publishing Association, Room 204, 226 Lafayette Street, New York City, addressed to Sol Zimmer, 427 Coronado Ave., Long Beach, California, which was submitted to this office for appropriate attention. The letter contains a price list of anarchist literature for sale by the Mother Earth Publishing Association, printed subscription blanks for contributions to the Emma Goldman-Alexander Berkman Defense Fund, and a printed circular appealing for funds for the defense of Alexander Berkman, issued by the New York Publicity Committee of the Alexander Berkman defense fund.

The names of the New York publicity committee being as follows:

Alex. Cohen, Secy.-Treas. New York Joint Board Amalgamated Clothing Workers of America.  
J. Abrams, Organizer, International Brotherhood of Bookbinders.  
Frank Cancellari, Italian Representative of Children's Clothing Joint Board.  
Max Pine, Secy.-Treas. United Hebrew Trades.  
The Joint Board of Cloak & Shirt Makers Union of New York will back the fight to the limit and started the fund with \$500.

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# The Emma Goldman Papers

[Letter] 1917 Aug. 23, San Francisco [to] E.M. Blanford, Special Agent in Charge [Bureau of Investigation, Department of Justice], Los Angeles / Don S. Rathbun, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 4 p. ; 24 x 19 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 65.  
 Summary: Rathbun sends Blanford information on subversive literature sent from Mother Earth to Sol Zimmer and to Dr. A.S. Green in Long Beach, California.  
 Notes: Dark copy. For original documents, see 810128113, 810128114, 870217005 through 870217009, 870313001 and 870313002.

MR. E. M. BLANFORD.

August 23, 1916.

M. Weinstein, Asst. Secy. of the United Hebrew Trades.  
 Max Eastman, Editor Masses.  
 Boardman Robinson, Artist  
 Leonard D. Abbott, Writer and Editor  
 Dr. A. L. Goldwater.  
 Jessie Ahely, Attorney  
 Emma Goldman, Author and Lecturer  
 M. Eleanor Fitzgerald, Associate Worker of The Blast.  
 H. M. Kelly, Writer  
 Waldo Frank of Seven Arts Magazine.  
 Henrietta Rodman, Teacher  
 Margaret H. Singer, Lecturer and Author  
 Martha Gruening, Writer  
 Edna Renton, Writer  
 Dr. I. Ginsberg.  
 Rose Maria Spanier, Secy. Workman's Council  
 Helen Boardman, Psychological Research Worker  
 Randall Davey  
 Ida Rauch  
 Katherine Leckie  
 Robert Henri  
 George Bellows  
 Anna Stirling.

Also enclosed typewritten letter reading as follows:

"We are glad to have your letter and a copy of "Mother Earth" was sent you. We hope you will be interested to subscribe. The price is \$1.00 per year, but if you will send us \$1.50 and 15 cents postage we will send you either a copy of Alexander Beraman's book "The Prison Memoirs of an Anarchist" or Emma Goldman's "The Social Significance of the Modern Drama".

We are enclosing you a letter which Miss Goldman has been sending to all of her friends and hope it will interest you.

With best wishes, we are yours for a better world.

(Signed) Reitman."

The above quoted letter is evidently signed by Ben L. Reitman, a notorious anarchist and member of the Emma Goldman group of anarchists who have been connected with "The Blast" and the "Mother Earth" publications at San Francisco and New York."

(Sgd.) W.L. MADEIRA."

"Attention is invited to the enclosed ordinary letter mailed at New York City, August 1, 1917, by the Mother Earth Publishing Association, Room 204, 227 Lafayette Street, New York City, addressed to Dr. A.S. Green, 531 - 9th Ave., Long Beach, California, which was

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## The Emma Goldman Papers

880606000

[Letter] 1917 Aug. 23, San Francisco [to] E.M. Blanford, Special Agent in Charge [Bureau of Investigation, Department of Justice], Los Angeles / Don S. Rathbun, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 4 p. ; 24 x 19 cm. Obtained from the United States National Archives. Institutional Location: Record Group 65. Summary: Rathbun sends Blanford information on subversive literature sent from Mother Earth to Sol Zimmer and to Dr. A.S. Green in Long Beach, California. Notes: Dark copy. For original documents, see 810128113, 810128114, 870217005 through 870217009, 870313001 and 870313002.

MR. E. M. BLANFORD.

August 23, 1917

referred to this office for appropriate attention. The letter contains printed subscription blanks for the Emma Goldman-Alexander Berkman Defense Fund, a list of contents of articles contained in the July issue of Mother Earth, which was held up by the post office department, and a printed circular letter signed by Emma Goldman reading as follows:

"In the cyclorama of the American struggle for liberty Mother Earth has been fated to play an important part. Ever since the first edition March, 1906, our magazine has strived faithfully to be a voice crying out against tyranny, injustice and oppression, wherever it has existed. Every issue has been an anti-military number. Now Mother Earth is in danger of dying, and I sincerely appeal to you to help me maintain our magazine.

You know the story of what the authorities have done in New York - how they suppressed the June issue of Mother Earth; how they raided our offices; confiscated our literature; arrested Alexander Berkman and myself; how after a farcical trial they gave us the extreme penalty, two years penal servitude, \$10,000 fine each and deportation. The complete story is told in the July issue of Mother Earth which has been sent to you.

After two weeks' incarceration in the Jefferson City, Mo. penitentiary, I was brought back to New York City and admitted to \$25,000 cash bail, pending an appeal to the Supreme Court.

Alexander Berkman, Morris Becker and Louis Kramer were also returned to New York pending the appeal. Berkman's case is further complicated by the fact that the Chamber of Commerce of San Francisco, through their headman, the District Attorney, in order to screen their criminal tactics, furious over their failure to put over the frame-up against Tom Mooney, are now attempting to railroad Alexander Berkman. They have issued a warrant for his arrest and will attempt to extradite him. If they are successful, he will share the fate of Tom Mooney and Warren Billings.

Friends, in these perilous times, do you want Mother Earth to live? If so, renew your subscription and send us a contribution towards the maintenance fund.

We have only sixty days to make the appeal. This means that the complete transcript of the papers of the trial must be printed and put into the hands of the Supreme Court of the United States. The printing alone will cost \$2,000. The outcome of the appeal will depend on how much we can arouse the

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## The Emma Goldman Papers

880606000

[Letter] 1917 Aug. 23, San Francisco [to] E.M. Blanford, Special Agent in Charge [Bureau of Investigation, Department of Justice], Los Angeles / Don S. Rathbun, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 4 p. ; 24 x 19 cm.  
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Notes: Dark copy. For original documents, see 810128113, 810128114, 870217005 through 870217009, 870313001 and 870313002.

MR. E. M. BLANFORD

August 23, 1917.

liberty-loving element of this country. To succeed in this we need the widest kind of publicity which will require a substantial fund. If our friends want to save us from serving these terrible sentences, they will come to our rescue at once.

For twenty-seven years, I have, as you know, never appealed for personal assistance. Now, the result will be graver than the mere question of my personal liberty, and the result of an appeal will affect the fate of hundreds of men and women who are in jail for opposing the draft. Send us your contribution at once. Make it as large as possible. Don't think because I am out of jail temporarily on bail that I am safe. If you believe in my work, you will support me to the best of your ability. I am enclosing a subscription blank. Will you circulate it among your friends? Let me hear from you at once. There is not time to lose.

Fraternally,

(Signed) Emma Goldman.

Make checks payable to M.E. Fitzgerald.

(Sgd.) W.I. MADRIDA.

The subscription blanks and other literature was evidently forwarded to the Chief Inspector as nothing came to this office.

Yours very truly,

*Don S. Rathbun*

Special Agent in Charge.

CC-Bureau  
New York.

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## The Emma Goldman Papers

[Letter] 1917 Aug. 23 [New York to] James D. Maher, Clerk, United States Supreme Court, Washington, D.C. / [Harry Weinberger].— 1 p. ; 28 × 22 cm.

*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*

**Summary:** Weinberger arranges to have Goldman and Berkman's trial record printed for their Supreme Court appeal.

**Notes:** Broken type; light copy; barely legible.

August 23rd, 1917

James D. Maher, Esq.,  
Clerk, United States Supreme Court,  
Washington, D.C.

In re: U.S. v. Emma Goldman & Alex. Schlessen  
" " v. Louis Kramer & Morris Becker  
" " v. Louis Kramer.

Dear Sir:-

I have only one copy of the minutes in each of the above entitled cases which is very large. This will be the proposed bill of exceptions. If I send these minutes down with the other papers, which compare the return for you to print, could I obtain three copies of the galley proof to use to have the same certified by the clerk here as the record? The reason I ask this is that the labor in each case otherwise would be very great; or if you do not desire to do this, could I do the printing of the record up here?

Thanking you for an early reply, I am

Yours very truly,

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## The Emma Goldman Papers

[Letter] 1917 Aug. 24 [Washington, D.C. to W.B. Carlile] Postmaster [Post Office Department], Chicago / J.J. Southerland, Acting Solicitor [Post Office Department]. — 1 p.; 33 x 22 cm.

*Obtained from the United States National Archives. Institutional Location: Record Group 28.*

**Summary:** Southerland informs the Chicago postmaster that the *Mother Earth* issues for May, June, and July 1917, are nonmailable under the Espionage Act.

**Notes:** Reply to 810128123.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

28

A-46647-W

August 24, 1917.

Postmaster,  
Chicago, Illinois.

Receipt is acknowledged of your communication of the 15th instant, inclosing a copy of "Mother Earth."

The May, June and July issues of this publication have been declared to be nonmailable under Section 481, Postal Laws and Regulations (Espionage Law).

J. J. SOUTHERLAND

Acting Solicitor.

## The Emma Goldman Papers

[Letter] 1917 Aug. 24 [New York to] William McAdoo, Secretary of the Treasury [Treasury Department], Washington, D.C. / [Harry Weinberger]. — 1 p. ; 29 × 22 cm.  
*Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional Location: Harry Weinberger Papers, Department of Manuscripts and Archives.*  
**Summary:** Weinberger tries to force the secretary of the treasury to explain how he can equate Liberty Bonds with cash when the United States attorney will not accept such bonds to pay Goldman's bail.  
**Notes:** Broken type; light copy; portions illegible. Reply to 850712510 and 850712511.

August 24th, 1917

William McAdoo, Esq.,  
 Secretary of the Treasury,  
 Washington, D.C.

Dear Sir:-

In answer to my letter of the 6th inst., the Assistant Secretary has written to me that the acceptance of Liberty bonds as bail is a judicial question concerning which the Treasury Department cannot properly make a ruling.

As a matter of fact, you stated in your specimen that Liberty bonds are the same as cash and that if Liberty bonds were not good, cash was not good; and you, the United States Government, on the question of security for the appearance of defendants in court, through its agents, refuses to take Liberty bonds as bail. This was in the case of United States vs. Emma Goldman. Therefore, may I ask a direct answer from you whether Liberty bonds should be considered the same as cash by the United States Government as well as its employees, because they took my cash, but would not take my Liberty bonds as bail.

Thanking you for an early reply, I am

Yours very truly,

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# The Emma Goldman Papers

Emma Goldman [v.] New York Produce Exchange Bank: Answer, 1917 Aug. 24  
[cover page] / Reeves & Todd. — 1 p. ; 22 × 19 cm.

Permission to reproduce or quote in any form must be obtained from the Yale University Library. Institutional  
Location: Harry Weinberger Papers, Department of Manuscripts and Archives.

Notes: For enclosure, see 850827053.

PLEASE TAKE NOTICE that

*An answer*  
of which the within is a copy, was  
duly ~~entered~~ and filed in the office of  
the Clerk of *the 1st Dist Municipal Court*

*at 146 Grand St*  
on the *24* day of *August* 191*7*

REEVES & TODD

Attorneys for *Defendant*

Office & P. O. Address,

165 Broadway,

Borough of Manhattan,

New York City.

To:

County Clerk's No. *51398* Year *1917*  
MUNICIPAL COURT, CITY OF NEW YORK,  
BOROUGH OF MANHATTAN,  
FIRST DISTRICT.

EMMA GOLDMAN,

PLAINTIFF,

- against -

NEW YORK PRODUCE EXCHANGE BANK,

DEFENDANT.

(COPY)

ANSWER.

REEVES & TODD

Attorneys for Defendant.

165 BROADWAY

Borough of Manhattan,

NEW YORK CITY.

To

Due and timely service of a copy of the within  
is hereby admitted this day of 191

Attorney for

Attorney for *7676*  
*Cont*

# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting, East End Hall, North Clark St., Friday Night..., Chicago, 1917 Aug. 25 / Cha[rle]s Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. - 2 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey transmits an agent's report on Goldman's speech in Chicago on August 24, 1917. Goldman described her anti-conscription trial and appeal. The agent considers Goldman dangerously persuasive.

REPORT MADE BY Chas. Daniel Frey	PLACE WHEN MADE Chicago, Ill.	DATE WHEN MADE Aug. 25, 1917.	PERIOD FOR WHICH MADE Aug. 24, 1917
TITLE OF CASE AND OFFENSES CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: In Re: Emma Goldman Meeting, East End Hall, North Clark St., Friday Night. Cross Reference, Ben Reitman. Socialist-Anarchist Meeting.			
STATEMENT OF OPERATIONS EVIDENCE COLLECTED NAMES AND ADDRESSES OF PERSONS INTERVIEWED PLACES VISITED ETC. AT CHICAGO: A.P.L. 1077 Reports: 15446			
<p>Meeting held as planned. Present, about 1,200 people, consisting mainly of the usual crowd- radicals of all sorts - workers, socialists, anarchists, I.W.W. Ben Reitman, master of ceremonies on the floor, superintending the free-will offering and the selling of literature.</p> <p>Meeting very orderly. Miss Goldman's address devoted entirely to protest against the government for her "persecution and prosecution," and to an appeal for funds to enable her and Alexander Berkman to appeal their cases, the idea being to carry them through to the supreme court and "obtain a decision as to the validity of constitutional rights of free speech."</p> <p>The address was fiery throughout, well calculated to get the money and to arouse in the minds of her followers a sincere hostility to government measures in carrying on the war, especially conscription. She yelled her opposition to conscription at the top of her voice and affirmed that even to death she would continue her campaign against it. She reviewed her trial in detail, her statement following quite closely the story as given in the booklet "ANARCHY ON TRIAL" (see copy herewith). Copies of this booklet and also of "MASSES", July issue (see copy herewith) were distributed through the audience at 25¢ and 10¢ each, respectively.</p> <p>High spots in her talk were her derision of the courts, her proclamation that American autocracy was a thousand times worse than German autocracy, and that the war cry of "make America safe for democracy" was a subterfuge and a lie. She derided the idea that she and her kind were in any way interested in the success of the plans of the German autocracy; called the Kaiser a "poor fool." She did all she could to make it plain that this is as much a war for autocracy in this country as it is in Germany, and more so. She said that Russia had her eyes on this country; that Russia was fully informed concerning the East St. Louis riots, the killing of Frank Little, the Seattle oppression, the Orman case at San Francisco, and that Russia ridiculed the democracy of America. She predicted a revolution in America more sweeping far than that which has taken place in Russia.</p>			
COPY OF THIS REPORT FORWARDED TO:			5

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting, East End Hall, North Clark St., Friday Night..., Chicago, 1917 Aug. 25 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 2 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey transmits an agent's report on Goldman's speech in Chicago on August 24, 1917. Goldman described her anti-conscription trial and appeal. The agent considers Goldman dangerously persuasive.

REPORT FORM NO. 1

(BEM)

Chicago, Ill.

Aug. 25, 1917.

Aug. 24, 1917.

Sp. Daniel Frey,  
In Re: Emma Goldman Meeting.

-2-

She is doing tremendous damage. She is womanly, a remarkable orator, tremendously sincere, and carries conviction. If she is allowed to continue here she cannot help but have great influence.

She speaks tonight (Saturday) at Douglas Park auditorium, Ogden Ave. and Kedzie, and tomorrow night (Sunday) somewhere in the Garfield Park neighborhood; I could not get the name, as I was with a bunch of the faithful and could not be too inquisitive. It was announced that she must return to New York Sunday night (tomorrow).

6

CHICAGO OFFICE;

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# The Emma Goldman Papers

[Agent Report] In re: The Peoples Council of America, Los Angeles [19]17 Aug. 25 /  
E. Kosterlitzky [Agent, Bureau of Investigation, Department of Justice]. -  
2 p.; 31 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Kosterlitzky describes a meeting of the People's Council of America at which Professor Paul Jordan Smith condemned the government's persecution of Goldman.

REPORT FORM NO. 1

REPORT MADE BY: <b>E. Kosterlitzky</b>	PLACE WHERE MADE: <b>Los Angeles</b>	DATE WHEN MADE: <b>8/25.-17.</b>	PERIOD FOR WHICH MADE: <b>8/25.-17.</b>
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <b>IN RE: "THE PEOPLES COUNCIL OF AMERICA"</b>			
WAR DEPARTMENT			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <b>At Los Angeles - Cal:</b>  Refer to previous report in re: above entitled matter.  At the meeting held at "Symphony Hall" on the night of August 24th: there were present between five and six hundred people of the middle class, about one third being women.  At half past eight, the Chairman announced from the Platform the program, explaining the object of the party composing the "Peoples Council of America" as contained in attached Pamphlet.  The first speaker, <u>J. H. Ryckman</u> , a well known socialist agitator of this City spoke at length on the necessity of uniting the working classes composed of the majority of the American people in this country with the object of compelling Peace; that the only man that could accomplish the cessation of the horrible war devastating Europe, was and is <u>President Wilson</u> , and he would have to be forced into making Peace. <u>Ryckman</u> again condemned in the most sarcastic manner the action of the Arizona authorities over the deportation of the I.W.W.'s, and prophesied a time not far distant when the people of this country would take matters into their own hands and see that justice is done everyone.  The second speaker, a Russian Jew, <u>Shapiro</u> , a well known I.W.W. agitator addressed the audience in the German language; this fellow was violent in extreme in his attack on conscription, calling it unlawful and unconstitutional in this, supposed free country, which he compared with Czarism in its worst form, declaring that he knew what he was talking about as he had been imprisoned in Russia. <u>Shapiro</u> also defended the I.W.W.'s, predicting that a time would come when such abuses as that committed by the Arizona authorities would not be tolerated, that the people would take ma-			
COPY OF THIS REPORT FURNISHED TO:			

## The Emma Goldman Papers

[Agent Report] In re: The Peoples Council of America, Los Angeles [19]17 Aug. 25 /  
E. Kosterlitzky [Agent, Bureau of Investigation, Department of Justice]. —  
2 p.; 31 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Kosterlitzky describes a meeting of the People's Council of America at which Professor Paul Jordan Smith condemned the government's persecution of Goldman.

-21-

Continued IN RE: "THE PEOPLES COUNCIL OF AMERICA"

ters into their own hands seeking a remedy.

The third speaker, Professor Paul Jordan Smith, had for Text "Democracy"; this speaker was very forcefull in censuring the President, whom he accused of being responsible for the present crisis and the abrogation of personal liberty in this country, calling the Draft law iniquitous, saying that the President had broken the spirit of the Constitution and that this country was on the verge of a Cataclysm; that President Wilson, while ever proclaiming that his sole object was to establish Democracy in Germany, he had established Autooracy in this country more severe then that in vogue under the Czar in Russia and much more so then that existng in Germany under the Kaiser; that therefore, every true and liberty loving American should join "The Peoples Council of America" without delay, and as there are 90% of the American people for Peace, they should decide and not the Administration.

Professor Smith also condemned as iniquitous and most unjust the persecution of Emma Goldmann.

Great and continuous applause greeted every sentence of the speaker, the audience, while orderly was in a frenzy when he concluded.

On leaving the Hall, Pamphlets and other Literature was being handed out by young ladies with a request to distribute it freely amongst Friends and acquaintances. (Samples attached)

In the opinion of Agent, these meetings should not be permitted at the present time.

# The Emma Goldman Papers

[Agent Report] In re: I.W.W. Agitators, Pittsburgh, Pa., 1917 Aug. 27 / [L.] M. Wendell [Agent, Bureau of Investigation, Department of Justice]. — 2 p. ; 36 x 22 cm.  
 Obtained from the United States National Archives. Institutional Location: Record Group 165.  
 Summary: Agent Wendell reports that the People's Council in Pittsburgh would not sponsor Goldman's visit, fearing harm to the organization. Jake Margolis promised the radical groups would sponsor her.

Page 48.

REPORT MADE BY

M. Wendell.

PLACE WHERE MADE

Pittsburgh, Pa.

DATE WHEN MADE

8/27/17.

PERIOD FOR WHICH MADE

8/8/17.

TITLE OF CASE AND OFFENSE CHARGED

TITLE OF MATTER UNDER INVESTIGATION

In re: I.W.W. Agitators, Pittsburgh, Pa.

STATEMENT OF OPERATIONS: EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.

## At Pittsburgh, Pa.

Went to Headquarters at 7 P.M. but found noone there but a few of the conservative comrades. At about 7:45 P.M. Willis came in and in the course of conversation he told me that the bunch at the Westinghouse were again ripe for another strike and wanted to be roganized and it would not surprise him to see them go out at any time. At 8:15 P.M. the meeting of the delegates of the Peoples Council was called to order, with Webber acting as Chairman and Mountain as secretary. There was thirty delegates seated, the most prominent being Margolia, Marshall, Willis, Gilchrist, Shean, Weinstein. The meeting proceeded with the reading of reports etc. until it came to good and welfare when about every motion made was debated and fought over or else tabeled with the result that there was practically nothing accomplished. The principal motions, on which there was a fight and which were defeated were as follows;

To seat Walter Hirschburg as a delegate. To pass a resolution that no member in the future give information to the authorities as to the identity of the speakers. The case of two weeks ago when Jane Tait told a reporter about Sam Scarlett being used as an example. Jake Margolis made a statement that he had received a letter from Anna Goldman that on August 19, 1917 she would be through here on her way to Chicago and would like to speak on the Money Defense. Margolis made a motion that she be allowed to speak under the auspices of the Peoples Council. This motion was defeated with the statement that although all would like to see her here, they were afraid that the prestige of the Peoples Council would be injured.

A motion that the delegates for the different organizations to the

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## The Emma Goldman Papers

[Agent Report] In re: I.W.W. Agitators, Pittsburgh, Pa., 1917 Aug. 27 / [L.] M. Wendell [Agent, Bureau of Investigation, Department of Justice]. — 2 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Wendell reports that the People's Council in Pittsburgh would not sponsor Goldman's visit, fearing harm to the organization. Jake Margolis promised the radical groups would sponsor her.

Page #3.

In re: I.W.W. Agitators, Pittsburgh District.

Peoples Council be graded according to the size of membership of their respective organization was also defeated.

After considerable wrangling on general subjects the meeting was adjourned at 10:45 P.M.

Jake Margolis, Shean, Hirschburg, Willis, Dawson, Johnston and myself then went to the Budweiser Cafe where we stayed until 11:45 P.M. eating and drinking. This bunch occupied themselves chiefly with conversing those who had taken an active part in defeating the motions of this (the minority) bunch.

It was discussed and decided by these fellows that regardless of the action of the Peoples Council Emma Goldman would be brought here for a photo and speech on August 19th. When we left the Cafe we split up and left for home and Jake Margolis and I walked up together. We walked to Grant and 5th where we stood talking until 1 A.M. We talked on Syndicalism etc and during our talk Margolis said. That he was attorney for all the labor movements in the city. That the A.F. of L. movement in this city was ruled by a bunch of Drafters and were in a chaotic condition. That the Westinghouse bunch positively did want another organization and strike and that he had addressed a couple of their meetings and advised that now is the time.

That Emma Goldman will positively be scheduled to speak on August 19th and he looked for the Radical bunch to back him.

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting—Held at West Side Auditorium, Racine & Taylor Sts., Chicago, 1917 Aug. 27 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 5 p. ; 28 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey submits W.H. Jones's report on a protest meeting at which Goldman spoke on "Conscription," and sought funds for her Supreme Court appeal and for the defendants in the Mooney case.

MADE BY: Charles Daniel Frey.	PLACE WHERE MADE: Chicago, Ill.	DATE WHEN MADE: Aug. 27th, 1917.	PERIOD FOR WHICH MADE: Aug. 28th.
In Re: Emma Goldman Meeting - Held at West Side Auditorium - Racine & Taylor Sts.			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED.			
At Chicago: 15,446 W. H. Jones reports the following:			
<p>This was a protest meeting announced to be to protest against the conviction of Emma Goldman and Alexander Berkman and against the extradition of Alexander Berkman from New York to San Francisco, California.</p> <p>The Chairman - William Nathanson:</p> <p>The meeting was called to order by the Chairman who cautioned the audience to be orderly and well behaved and to remain seated. He then announced the purpose of the meeting which was to stir up protests and to aid Emma Goldman and Alexander Berkman and the other defendants in their defence in the bomb cases in San Francisco, Cal.</p> <p>Before and during the meeting and after the same, booklets were sold, among them being Anarchy on trial, Mother Earth, the present situation in Re Emma Goldman, and Alexander Berkman, and others. I. W. W. newspapers were sold and a red heart button was sold among the audience by girls and one C. Cook, secretary of the League of Humanity who announced that "Buy this button and wear the same for it means that you are against the war and if you wear the same you do not need any red cross buttons."</p> <p>The Chairman made an introductory speech in which he stated: Friends you know when you lived in Russia, how you suffered from the persecution, the czars regime was such that because of the cruelties the Jews were compelled to leave Russia and to seek other lands where they expected to live in peace and to enjoy freedom. You know that the Russian Jews were leaders among those who succeeded in overthrowing the czar's government and shed their blood freely in</p>			
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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting—Held at West Side Auditorium, Racine & Taylor Sts., Chicago, 1917 Aug. 27 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 5 p. ; 28 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey submits W.H. Jones's report on a protest meeting at which Goldman spoke on "Conscription," and sought funds for her Supreme Court appeal and for the defendants in the Mooney case.

REPORT MADE BY <b>HC7</b>	PLACE WHERE MADE	DATE WHEN MADE	PERIOD FOR WHICH MADE
TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION: <b>In Re: Emma Gold Meeting - West Side Auditorium Hall, Racine &amp; Taylor Sts.,</b>			
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC. <b>2.</b>  this cause."  He further said, that the same would occur here in America as had happened in Russia.  The Chairman introduced Miss Goldman as the speaker of the evening, the guest, and she was received with great and continued applause. Emma Goldman in her first speech said, "Friends, I come to you this evening to speak to you about the trial and persecution of Emma Goldman, Alexander Berkman and the other defendants in the San Francisco bomb cases. To protest against the manner of prosecuting us and to ask those of you that belong to labor organizations, and those of you that do not belong to any organizations to assist us and donate money to be used in the defense of Emma Goldman and Alexander Berkman and the rest of the defendants in the San Francisco bomb cases. To save Berkman from being extradited from New York to San Francisco on the charge of murder."  She then spoke of the arrest of herself, Alexander Berkman, Tom Mooney, El Nolan, Israel Weinberg, Warren Billings, and Mrs. Rena Mooney and went into the conviction of herself and termed the two year sentence she received as a university course of two years, she called the American jails bastilles and she said that capitalism and money was behind the prosecutions and she was very vehement against the San Francisco district attorney during the speeches she made, that the said district attorney Flockert is seeking to get Berkman returned to make him the connecting link and send him along with the rest of the defendants to the gallows. She also told about the Berkman's activities for the working class."			
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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting—Held at West Side Auditorium, Racine & Taylor Sts., Chicago, 1917 Aug. 27 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 5 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey submits W.H. Jones's report on a protest meeting at which Goldman spoke on "Conscription," and sought funds for her Supreme Court appeal and for the defendants in the Mooney case.

FORM NO. 1 HOW		REPORT MADE BY: Charles Daniel Frey.	PLACE WHERE MADE: Chicago, Ill.	DATE WHEN MADE: Aug. 27th, 1917.	PERIOD FOR WHICH MADE: Aug. 27th.
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: In Re: Emma Goldman Meeting - West Side Auditorium Racine & Taylor Sts.,					
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.					
<p>#1.</p> <p>How he had given his last 14 years, his time and hard labor for the working classes and had been always been their friend and now that he was in trouble they should aid him as much as was possible for them to do.</p> <p>She further said that at Her trial in New York she had 20 witnesses who desired to testify for her but they were not given a chance to testify, but the detective for the prosecution was allowed to testify and was the only witness and on his testimony she was convicted. That after her said conviction and sentence there was born in this country the movement against conscription. That the authorities want to take Berkman to the prison in Atlanta, Ga., and then in the dead of night kidnap him to San Francisco for trial and place him at the mercy of the district attorney there.</p> <p>That money is needed for the defense of herself and the rest of the defendants and that the audience should step forward and not only contribute a dime or so but give ten dollars OR MORE. And at the close of her first speech the chairman stepped forward and received the money - altogether there was taken in and contributed about \$500.00.</p> <p>Then the Chairman announced that he had a surprise in store for the audience, that he wished to introduce Ed Holland as one of the defendants that is out on bonds now in the San Francisco bomb cases. He was received with great applause. He spoke about several men whom had committed suicide on the coast because of the Draft Act, and that he had written letters and found out that none of them were socialists, anarchists or labor union men. That the</p>					
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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting—Held at West Side Auditorium, Racine & Taylor Sts., Chicago, 1917 Aug. 27 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 5 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey submits W.H. Jones's report on a protest meeting at which Goldman spoke on "Conscription," and sought funds for her Supreme Court appeal and for the defendants in the Mooney case.

FORM NO. 1

EC 7

REPORT MADE BY

Charles Daniel Frey.

PLACE WHERE MADE

Chicago, Ill.

DATE WHEN MADE

Aug. 27th, 1917.

PERIOD FOR WHICH MADE

Aug. 28th

TITLE OF CASE AND OFFENSE CHARGES OR NATURE OF MATTER UNDER INVESTIGATION:

In Re: Emma Goldman Meeting - West Side Auditorium  
Racine & Taylor Sts.

STATEMENT OF OPERATIONS EVIDENCE COLLECTED NAMES AND ADDRESSES OF PERSONS INTERVIEWED PLACES VISITED, ETC.

#4.

men that threw the bomb were men in whom had crept the feeling of protest and dissatisfaction. That one night when he was in jail in San Francisco he heard the news boys announcing and crying out their extras about the Russian Revolution having succeeded. He also urged the audience to assist the defendants in the above mentioned bomb cases and to protest against the prosecution.

Emma Goldman then addressed the audience on "Conscription." She said that when she was an eight year old girl back in Russia, her father drove a wagon that delivered the prisoners to the prison and she witnessed how they conscripted the men into the Russian army. That she remembered one day how the men were lined up and how the men dropped on their hands with their faces to the earth and how one mother pleaded for her son that was taken in the army. But her pleas were denied and no mercy shown her son. That from that day on Emma Goldman got to hate the idea of Conscription and that hatred and opinion against the same has existed in her mind ever since. That in her opinion conscription or militarism by force made ours a land of despotism. That conscription was bloody law. That the rights granted the American people by the constitution were taken away from them by conscription. She said that maybe she would be put in prison or they may take her life but my ideas will continue to live.

There were about 800 people present in the audience, men and women practically all being Russian or Polish Jews. Ben Reitman was busy selling books. At the conclusion of the meeting Emma Goldman thanked the audience for the contributions and attention.

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# The Emma Goldman Papers

[Agent Report] In re: Emma Goldman Meeting—Held at West Side Auditorium, Racine & Taylor Sts., Chicago, 1917 Aug. 27 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 5 p. ; 28 × 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

**Summary:** Agent Frey submits W.H. Jones's report on a protest meeting at which Goldman spoke on "Conscription," and sought funds for her Supreme Court appeal and for the defendants in the Mooney case.

Form No. 1	RCV	PLACE WHERE MADE	DATE WHEN MADE	PERIOD FOR WHICH MADE
REPORT MADE BY:				
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION:				
In Re: Emma Goldman Meeting WestSide Auditorium Racine & Taylor Sts.,				
STATEMENT OF OPERATIONS: EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.				
#5				
<del>to protest</del>				
A resolution was read by the Chairman Nathanson and passed by an overwhelming vote, to protest to the governor of New York and to the governor of California against the extradition of Alexander Berkman from New York to California.				
The meeting was then adjourned by the Chairman.				
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## The Emma Goldman Papers

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[Letter] 1917 Aug. 27 [to] William [M.] Offley, Division Superintendent [Bureau of Investigation, Department of Justice], New York / James G. Findley, Special Agent in Charge [Bureau of Investigation, Department of Justice]. — 1 p. ; 28 x 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Findley reports that the No Conscription League's literature is stirring up the local farmers. He asks Offley to stop its distribution.

Notes: Broken type; light copy; portions illegible.

REPORT FORM No. 2

15446  
August 27, 1917.

RECEIVED  
AUG 31 1917  
BUREAU OF INVESTIGATION  
DEPARTMENT OF JUSTICE

Mr. Offley, Sup.,  
Division Superintendent,  
New York City.

Dear Sir:--

NO CONSCRIPTION LEAGUE.

A organization known as the No Conscription League with headquarters at 22 West 125th Street, New York City has been sending out literature, and contributions are being made with the following principles, in substance:--

"We will fight for what we choose to fight for, we will never fight simply because we are ordered to fight. We will resist conscription by every means in our power, and we will sustain those, who for similar reasons, refuse to be conscripted."

So we too in America will doubtless meet the full severity of the government and the condemnation of the war-sad jingoes, but we are nevertheless determined to go ahead. We feel confident in arousing thousands who are conscientious objectors to the war of their fellow men and to whom and to whom a principal represents a vital thing in life. Resist conscription. Organize meetings. Join our league. Send us money. Help us to give assistance to those who come in contact with the government. Help us to publish literature against militarism and against conscription."

When this kind of "dope" is circulated amongst the ignorant tenant farmers of this section they get the idea that all the rest is back of them and they go wild. It occurs to us that this thing should be stamped out at its fountain head if possible.

Very respectfully,

James G. Findley  
Special Agent in Charge.

ABB #2.

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# The Emma Goldman Papers

[Agent Report] In re: No-Conscription League—Held at Douglas Park Auditorium, Chicago, 1917 Aug. 28 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 4 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey transmits W.H. Jones's report on Goldman's anti-conscription speech given in Chicago on August 25, 1917.

Notes: Barely legible.

15-446  
Charles Daniel Frey. Chicago, Ill. Aug. 28th, 1917. Aug. 28th

In Re: No-Conscription League -  
Held at Douglas Park Auditorium -

At Chicago:

Mr. W. H. Jones reports the following:

Meeting conducted by Emma Goldman and William Nathanson.

Mr. Nathanson spoke as follows:

Sometime in the future the opportunity will present itself to arrange a protest meeting where some of the most important people of the world will speak. I believe that if this country and every class in this country will keep on in suppression and oppression, I believe that very soon all the differences between anarchists-socialists and revolutionists and every man and woman who stands out for liberty will be forgotten and they will unite in to one class. We have all the facts to be afraid that this oppression and suppression will keep up because as I have told you before the ruling class and the capitalist class seem to have the same characteristics all over the world and they do not seem to learn any lessons. If the ruling class of Russia would have learned from the past demands of the Russian people, and the Russian government would have learned some lessons from the French Revolution, it would probably have been able to keep up the old standard of sending the Russian conspirators to Siberia instead of harboring. At the moment, the one black "tiger" (The Czar). All the eight thousand secret service men who surrounded the Czar in Russia cannot keep the revolutionists starting up who stand for something that is right, and they are going to keep on demanding and calling for it. I am sure that a time is coming in the very near future, when there will be no more, for a while at least, different classes such as socialists, anarchists and revolutionists but they will all enter into one class and work in unison. President,

Chicago:

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# The Emma Goldman Papers

[Agent Report] In re: No-Conscription League—Held at Douglas Park Auditorium, Chicago, 1917 Aug. 28 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 4 p. ; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey transmits W.H. Jones's report on Goldman's anti-conscription speech given in Chicago on August 25, 1917.

Notes: Barely legible.

Charles Daniel Frey. 2.

all.

Aug. 28, 1917. Aug. 28th.

In Re: No-Conscription League -  
Held at Douglas Park Auditorium.

at Chicago:

The same is true of the ruling class in this country. They are beginning to follow the same principles that the Russian government has followed. There are enough people in America now beginning to wake up. They are not all in the anarchist class, some of them are down in Congress and Senate in government power that are working for the working people in this country at large.

Mr. Wentworth spoke as follows:

We do not know what the outcome of this War will be, but we know that when it is over, there will be fewer Kaisers, fewer Czsars and more Democracy in this world. In order to figure out as to how we can extend democracy throughout this country and this world is for the people in this country to get together for that service and try and assist as much as we can those that are in the service to carry out our ideas.

Miss Emma Goldman spoke as follows:

She does not doubt for a minute that she will have to take a rest for two years in Jefferson Prison. The working class considers Alexander Berkman and Emma Goldman very valuable people. Berkman and Emma Goldman very valuable people. I want you to know that I represent \$25,000.00 and stand before you as a very valuable person. But I did not come to protest against the sentences of Alexander Berkman and myself, but to protest against the slaughter of ideas, opinions and criticisms in the United States.

Nearly one and a half years ago, long before America had any ideas of entering into the European War, I lectured on Preparedness and the slaughter of human bodies. To slaughter of human bodies is nothing compared with the slaughter of human souls, human ideas and Chicago Office.

# The Emma Goldman Papers

[Agent Report] In re: No-Conscription League—Held at Douglas Park Auditorium, Chicago, 1917 Aug. 28 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 4 p.; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey transmits W.H. Jones's report on Goldman's anti-conscription speech given in Chicago on August 25, 1917.

Notes: Barely legible.

NOT  
Charles Daniel Frey. Chicago, Ill. Aug. 28th, 1917. 20th.  
In Re: No-Conscription League  
Held at Douglas Park Auditorium -

human ideals. I had in mind the fact that wherever firearms  
raised out its arms, there are ideas slaughtered by the millions.

We find in this country a movement called the Vigilantes.  
The vigilantes in other countries are found among the outcasts and the  
alone, but here in this free country, we do not have to go and find  
outcasts, we find these "Hooligans" in the mansions, among the wealth  
of this country - they represent men who call themselves writers,  
poets and so-called editors who go out breaking up meetings and in-  
sulting women under the name of Democracy. This society of vigilantes  
is one of the most dangerous things in the United States.

For stating their views against this war, Alexander Berkman  
and Emma Goldman were given two years, \$10,000 fine and deportation  
at the end. They dared express an opinion. If it is Democracy to  
press men into military service, people must have a right to decide  
whether we want war or not. That is all we ask from the government  
put this matter before the people and if the people should be in favor  
of war instead of peace, they should fight for war, but if the people  
do not want war, is their any power on earth, heaven or hell that will  
demand us to go to war. People must not be forced into military ser-  
vice, people must not cross the seas to fight other people's battles -  
they have enough of their own to fight. Charity begins at home.  
When they once establish democracy at home, and have their own house  
clean then they can commence sweeping other people's houses. We are  
not in a rebellion to tell other people just what to do.

People in this country think the moment you have an opinion,  
the moment you criticize, the moment you express the truth, it must be  
German money - German spies. In order to show the people here that

Chicago Office.

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# The Emma Goldman Papers

[Agent Report] In re: No-Conscription League—Held at Douglas Park Auditorium, Chicago, 1917 Aug. 28 / Charles Daniel Frey [Agent, Bureau of Investigation, Department of Justice]. — 4 p.; 28 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Agent Frey transmits W.H. Jones's report on Goldman's anti-conscription speech given in Chicago on August 25, 1917.

Notes: Barely legible.

Charles Daniel Frey, Chicago, Ill. Aug. 25, 1917. Aug. 25th.

In Re: No-Conscription League -  
Held at Douglas Park Auditorium.

this was a lie. Alexander Berkman and Emma Goldman had to bring an eighty year old man into court to testify that he had contributed a few hundred dollars to "Mother Earth" because being too old to work for the cause, gave his money instead. He was Swedish. I would not take money from the German Kaiser any more than I would take it from the President. If it is a crime to be with the German people, I am a criminal because I am with the German people. The Government of this country say they have nothing against the German people, they are only against the German Kaiser, but the difference is I am in favor of the German people as I am of the French, Russians, Irish, Chinese and Negroes, and what I say I am for the German people, I do not send troops over there to kill them - the German people are not responsible for their ruler, they have not yet weakened like the Russian people. Even though there be 200,000 secret service men, no power on earth is going to save the ruling class when the people once weaken and realize their economic power.

We are not sorry for our sentence for it is only a question of Alexander Berkman and Emma Goldman giving up their lives for the sake of the masses. We are going to appeal our case in October to find out whether the Constitution of America still lives and if it lives, then conscription must be abolished for all. Prison is not so bad as you think it is. I consider the National Defense and Security League far more disagreeable than prison. You can retain your own integrity. We are quite willing to stand the consequences.

Mr. Nathanson spoke as follows:

Go out of this hall just as quietly as possible. Absolutely no disturbance as a previous riot was caused right outside of a hall. No disturbance but anything necessary to maintain order, in anyway, be the consequence.

About 900 people present - collection as announced by  
Nathanson was \$70 700.00

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# The Emma Goldman Papers

[Telegram] 1917 Aug. 28, Chicago [to J. Herbert] Cole [Agent? Bureau of Investigation, Department of Justice], Detroit, Mich. / [Hinton G.] Clabaugh [Division Superintendent, Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Clabaugh wires Cole that Goldman is heading for Detroit.

Notes: Dark copy; barely legible.

SEP 4 1917  
Bureau of Investigation  
DEPARTMENT OF JUSTICE

12:30 P. M.  
Chicago. August 28, 1917.

Cole,  
Federal Building,  
Detroit, Mich.

Emma Goldman left Chicago last night ten thirty  
New York Central for Detroit, ~~train thirty-six~~  
train thirty-six, sections one and two.  
Clabaugh.

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# The Emma Goldman Papers

[Letter] 1917 Aug. 29, New York [to] R[alph] H. Van Deman [Chief, Military Intelligence Division, War Department], Washington, D.C. / Nicholas Biddle [Military Intelligence Division, War Department]. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Biddle reports that Miss Wald, a former secretary for the People's Council, has turned over documents to the Department of Justice. Miss Wald reports that the People's Council sympathizes with Goldman and the I.W.W.

ROOM 805  
302 BROADWAY  
NEW YORK

93 288  
CHIEF OF STAFF  
WAR COLLEGE DIVISION

10110 93  
August 29, 1917

Colonel R. H. Van Deman  
Office of the Chief of Staff  
Washington, D. C.

Dear Colonel Van Deman re 10110-46 Socialists  
Labor and Pacifists Organizations

Captain Tiffany has obtained through a Miss Wald who employed by the People's Council in New York City as a stenographer the following information. Miss Wald took a job there about three weeks ago but became suspicious of the activities of the People's Council, and considered the people under whom she was working so immoral and disagreeable that she reported certain of their doings to Mr. Benham in Captain Offley's office, the Department of Justice. Mr. Benham asked her to stay on for awhile in order to gain what information she could. This she did until two days ago when she reported to Mr. Benham that she couldn't work there any longer, and she has now taken a position in the office of the American Federation of Labor in this city. She has given to the Department of Justice copies of several letters written by the People's Council which she thought might be of interest to them, and you can doubtless get these letters from Captain Offley. Miss Wald reports that the office force of the People's Council is continually being enlarged and a great deal of money is coming in there from all over the country. She mentions one amount of \$3,000 from a man named Warbasse of Stamford, Conn. She thinks David Star Jordan is the ruling spirit of the Council. She reports them as in sympathy with the I.W.W. and Emma Goldman. She says there is a high German official whose name she does not know, living in a cottage at Lake George, where officers of the Council are continually going. Louis Lochner of Ford's Peace Expedition is one of those who has been to see this man at Lake George. She reports that the American Federation of Labor are working against the People's Council, and that Chester Wright, publicity manager for the American Federation of Labor would be glad to assist in any work against the People's Council. He calls them the "Reichstag."

I am trying to get further information about the People's Council and the Agricultural Relief Association from the Police Department.

Very sincerely yours

CLT/DC

*Nicholas Biddle*

REC'D W. C. D. U. C. S. AUG 30 1917

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# The Emma Goldman Papers

[Agent Report] In re: Peoples' Council of America, Seattle, Wash., 1917 Aug. 30 / Wright [Agent, Bureau of Investigation, Department of Justice]. — 2 p. ; 31 x 22 cm.  
Obtained from the United States National Archives. Institutional Location: Record Group 165.

Summary: Agent Wright describes a People's Council of America meeting in Seattle. One speaker, Kate Sadler, is an anarchist who aspires to Goldman's position.

Notes: Broken type.

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SEP 22 1917

MADE BY: <u>Agent Wright</u>	PLACE WHERE MADE: <u>Seattle Wash.</u>	DATE WHEN MADE: <u>Aug 30 '17.</u>	OFFICE CHIEF OF STAFF PERIOD FOR WHICH MADE: <u>Aug. 30 '17</u> WAR COLLEGE DIVISION
TITLE OF CASE AND OFFENSE CHARGED OR NATURE OF MATTER UNDER INVESTIGATION: <u>IN RE: PEOPLES' COUNCIL OF AMERICA</u>			<u>116</u> <u>10/10/17</u> <u>1917</u>
STATEMENT OF OPERATIONS, EVIDENCE COLLECTED, NAMES AND ADDRESSES OF PERSONS INTERVIEWED, PLACES VISITED, ETC.: <u>Meeting at Seattle.</u>			WAR DEPARTMENT

## At Seattle, Wash.

This meeting was held at the Seattle Labor Temple, August 16, 1917. The Peoples' Council here advertised in the daily periodicals that a meeting would be held in the Labor Temple August 16th, to discuss the question of why this Country was at war, and why we should stand for peace. Special Employee Gray of this office was instructed to obtain full information regarding this meeting and co-operate fully with Lem. A. Dever reporter for the Seattle Post Intelligencer, who had been instructed by the City Editor of that paper to attend the meeting and report in detail. Under instructions from this office Special Employee Gray got in touch with Mr. Dever, and obtained the following, which was taken from Mr. Dever's notes regarding this meeting:

"Reporting re the two meetings of the Peoples' Council of America, held in the Labor Temple, August 16th, details not included, perhaps in my story of the two meetings and the culminating riotous meeting of that night, though the account of the three meetings as published in the POST INTELLIGENCER of August 17th, is full of detail and absolutely accurate, nothing having been left to hearsay. These details may be added:

### Morning Session:

Elizabeth Freeman announced that the Resolutions passed at one of the original meetings of the Council in New York city should be the basis of all discussion. She had been introduced by Sydney Strong, chairman, as a national organizer of the Council, who would "fill the place of the Reverend Father Perrin" who could not attend. At the first opportunity I asked Strong why he called Perrin the "Reverend Father" as one would speak of a Catholic Priest, when it was a fact that Perrin is an Episcopalian Minister. Strong replied "Oh, well, he is generally called "Father". This was a deception on Strong's part, because the aim was apparent to attempt to entice support among radicals who are held in restraint by their high regards for the Catholic Church. Strong grinned maliciously when he parried with my question.

"I had the honor to make the first Peace Council speech, in New York, said Miss Freeman, -----You people must wake up. We have bluffed ourselves into the belief that we have in America free Government; that we are free, democratic, powerful, and all that sort of nonsense. We haven't got it, and nothing like it. Over in battle-torn Europe they look for the truth to come out

COPY OF THIS REPORT FURNISHED TO:

Bureau in tripl.

page 2

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Notes: Broken type.

Wright, Seattle, Wash. August 30, '17, in re Peoples' Council

The authorities at the Emergency Hospital, nearby, had appealed to the police station during Kate Sadler's screaming scream, saying the tumult was alarming patients. I was informed next day by the chief day nurse, Mrs. Hall. The only police action was to caution the speakers, which caution was ignored.

Respectfully submitted,  
L. M. A. DEVER, Reporter.

By way of comment it might be added that Elizabeth Freeman is both an I.W.W. and Socialist agitator. She travels about the country considerably and has been, no doubt, the subject of reports from other Special Agents of this Department.

Mrs. Alice Trainor, who claims to be connected with the Seattle progressives has a reputation here of being a rabid Pacificist, but has only taken the stump on one or two occasions. An Informant of this office will furnish further data on this woman.

H. W. Pohlman, who has been previously reported by this office, is one of the Board of Directors of the Seattle Daily CALL, which is a very seditious publication and which began publication along about the time of or a while before the passage of the Conscription Act. He is of a rabid Socialist type, and is well known in that element. Sam Sadler is connected with the I.W.W. but the exact nature of his position is unknown by this office. He is an organizer but is not carried on the rolls of the I.W.W. as holding any distinctive position. He is now under indictment here for violation of the Conscription Act in sending out seditious circulars advocating resistance of conscription. This office investigated this case and the same has been reported under another caption. ("The No Conscription League" Seattle, Washington). Kate Sadler is perhaps the most rabid of the women speakers here in Seattle. She is an anarchist in views and aspires to the position held by Emma Goldman. She is the alleged wife of Sam Sadler, mentioned above, but it is reported that she is not legally married to him. This woman was arrested and found guilty yesterday of disorderly conduct in the justice court, for utterances she made at this meeting. She was sentenced one month and \$100.00 fine.

CC CLAY ALLEN, U.S. Dist. Atty.

• 7-371

# The Emma Goldman Papers

[Letter] 1917 Aug. 31, New York [to Thomas G. Patten] Postmaster [Post Office Department], New York / Ben Reitman. — 1 p. ; 36 x 22 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 28.

Summary: Reitman sends the New York postmaster proofs of *Mother Earth* for August 1917, with the hope that he can mail it second class.

Notes: For reply, see 810128099. For follow-up letter, see 810128098.

Record Group 28: Records of the Post Office Department  
Records Relating to the Espionage Act World War I, 1917-18  
#46647

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**MOTHER EARTH PUBLISHING ASSOCIATION**  
20 EAST 125TH STREET  
NEW YORK

ROOM 204

226 LAFAYETTE ST.

August 31, 1917 NEW YORK CITY



Postmaster,  
New York City.

Dear Sir:-

I am enclosing you the first proofs of our magazine MOTHER EARTH, for August. I wanted this copy to reach you in August, so that our second class mailing privileges would not be interfered with. Several copies of the complete number will be sent you to-morrow.

I hope that the August number of MOTHER EARTH will be able to pass censorship and be able to enjoy second class privileges. Will you kindly let us know as soon as possible if we will be able to have our second class privileges?

Some question may come up about us not having mailed out the June and July number. You will remember that we did mail them out and they were stopped by the post-office department, and so, if we come in conflict with the law which says: "If a publication misses one or two issues it may be denied second class privileges", you will understand it is not our fault.

For the last twelve years we have enjoyed second class mailing privileges and we are very anxious to continue same.

Yours very truly,

*Ben. L. Reitman*



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# The Emma Goldman Papers

[Letter] 1917 Aug. 31 [Washington, D.C. to] R[alph] H. Van Deman [Chief, Military Intelligence Division] War Department, [Washington, D.C.] / [A. Bruce Bielaski] Chief [Bureau of Investigation, Department of Justice]. — 1 p. ; 25 × 19 cm.

Obtained from the United States National Archives. Institutional Location: Record Group 65.

Summary: Bielaski sends Van Deman a follow-up report on James Hallbeck, who gave Goldman \$2,400.

Notes: Dark copy; barely legible. For enclosure, see 880603090. Follow-up to 880603076.

KOR/OK

August 31, 1917.

Colonel, R. H. Van Deman,

General Staff,

War Department.

Dear Col. Van Deman:

Referring to our correspondence, O110-74, concerning the certificate of deposit of twenty-five hundred dollars in the name of Emma Goldman, I inclose herewith copy of a letter from Mr. Offley, our Division Superintendent at New York.

Very truly yours,

Chief.

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# The Emma Goldman Papers

*A Microfilm Edition*

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**Reel 57**

**Government Documents**

**January 1, 1917 to August 31, 1917**

Edited by

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Ronald J. Zboray

and

Daniel Cornford

Government Documents Editor:

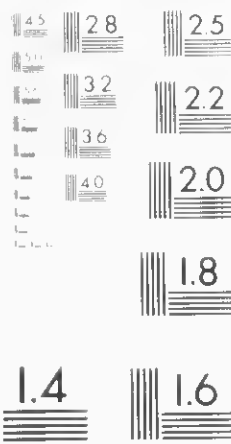
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